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House of Representatives

The House met at 12:30 p.m. and was called to order by the Speaker.

MORNING BUSINESS

The SPEAKER. Pursuant to the order of the House of May 12, 1995, the Chair will now recognize Members from lists submitted by the majority and minority leaders for morning hour debates. The Chair will alternate recognition between the parties, with each party limited to not to exceed 30 minutes, and each Member except the majority and minority leaders limited to not to exceed 5 minutes.

DO-NOTHING CONGRESS

The SPEAKER. Under the Speaker's announced policy of May 12, 1995, the gentleman from Missouri [Mr. VOLKMER] is recognized during morning business for 5 minutes.

Mr. VOLKMER. Mr. Speaker, here we go again. Just like last week, we are going to do nothing this week. This is really a do-nothing Congress.

Mr. Speaker, let us look at today's schedule. There are not very many Members here. We can look around and see that hardly anybody is here. Well, we have got two little bills that will be debated on and not even voted on today. If they are voted on, they will be voted on tomorrow. So, Mr. Speaker, we do not do much today.

We have one that says, "Municipal Solid Waste Flow Control." That will take about 20 minutes to a half-hour. Then we have got one that says, "Land Disposal Program Flexibility." That will take about another half-hour. So we are going to be here for an hour today, hour-and-a-half at the very most, and then we are going to quit.

Mr. Speaker, then we are going to come back tomorrow, and tomorrow the schedule says we are going to take up the welfare farm bill. That is what

it is; a big welfare program for the big farmers. They call it the Agriculture Market Transition Act, but I do not know if we are going to take it up tomorrow for the simple reason that it is still in committee.

Mr. Speaker, I am on the Committee on Agriculture. We are supposed to go into a markup at 2 o'clock on that bill. They have already scheduled it for tomorrow, so I guess they assume that it is going to be reported out of committee and the Committee on Rules will meet tonight and we will take it up tomorrow.

If we do not do that tomorrow, then there will be nothing for tomorrow, except maybe they are saying that they may devise, under the leadership of their chairman of the Committee on the Budget, the gentleman from Ohio [Mr. KASICH], a budget patterned after what the President proposed. They call it the President's budget.

Well, Mr. Speaker, we had one of those foolish things last December. They tried to do that crazy stuff, and it does not go anywhere. Even if it is voted on, it never becomes law. We spend hours debating something and voting on it, it is never going to become law. That is what we did all last year. We are doing it again.

Then, Mr. Speaker, they are talking about maybe Thursday we are going to have the President of France here in a joint session. Many of us, I am sure are not going to be here for the simple reason that we disagree with France and their nuclear testing policies.

We may take up a sense-of-the-Congress resolution, they tell me, and that does not become law. So what are we going to do? Nothing. What did we do last week? Nothing.

What should we do? I will tell my colleagues what we should do, and think most of the responsible Members of this House know, Mr. Speaker, that this week, right now, in order to soothe the concerns of our financial commu-

nity, the bondholders and everybody, we should be passing a debt limit bill to increase the debt limit.

Mr. Speaker, I do not care if we do it for 60 days or 30 days or 6 months or a year; whether it is for \$5.5, \$5.7 trillion, whatever maximum. My Republican colleagues have already done it. They did it in their budget resolution, their reconciliation bill last year. So, Mr. Speaker, I do not see why we do not just go ahead and pass one; send it to the Senate. They will pass it, and we can get past that hurdle.

No, Mr. Speaker, we are not going to do that. We are not going to do something that needs to be done and has to be done so that this country does not go into bankruptcy, and so that we do not default and become a Third World power, so that we do not go into a recession. They tell me that after Thursday, we are going to recess all the way to February 26.

Mr. Speaker, Treasury Secretary Rubin has said that March 1 we go into bankruptcy, we go into default if the debt limit is not increased. What are we waiting on, Mr. Speaker? For those Members, both Republican and Democrat, who feel like I do that we need to do something about the debt limit, we need to increase the debt limit, there is a discharge petition up here. Mr. Speaker, 154 Members have signed. We only need 64 more. Surely there are 64 Republicans that are responsible that will be glad to bring it out, and we can bring it out and pass it and let it become law.

Now, Mr. Speaker, about this little thing right here. If this bill ever gets to the floor, I want my colleagues to know that I am going to be fighting it tooth and toenail. It is the biggest welfare bill that has ever hit this House. The other side talks about AFDC; they talk about food stamps. That is nothing.

Mr. Speaker, would you believe that under this bill, farmers in Texas and

□ This symbol represents the time of day during the House proceedings, e.g., □ 1407 is 2:07 p.m.

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Arkansas and California, and other places, can get up to \$120,000 a year, will get up to \$120,000 a year, and not have to farm? They do not have to farm at all. They do not get it for 1 year; they get it for 7 years. For 7 years. That is \$840,000 a farmer.

Mr. Speaker, I want to mention something. In the State of Kansas, in western Kansas where the chairman of the Committee on Agriculture comes from, there will be payments to 85 percent of those big wheat farmers to the tune of the average of \$30,000 a year for the next 7 years.

FEDERAL BILINGUAL EDUCATION PROGRAMS MUST BE REEVALUATED

The SPEAKER pro tempore (Mr. YOUNG of Florida). Under the Speaker's announced policy of May 12, 1995, the gentleman from Wisconsin [Mr. ROTH] is recognized during morning business for 5 minutes.

Mr. ROTH. Mr. Speaker, actions have consequences. It is about time that we as a Congress analyze how our congressional actions impact on America's future.

Mr. Speaker, in September, U.S. News & World Report put on its cover the issue of making English our official language. It was an absolutely eye-opening investigation into bilingual education, and I recommend it to every Member of Congress to read this portion of the magazine.

Mr. Speaker, the billion-dollar program of bilingual education reasons that children taught in their native language will somehow learn English more quickly. I would like to share some of the article's conclusions, as I found their analysis to be right on target.

Mr. Speaker, the first point and criticism that can be made of transitional bilingual education programs is that they are not really transitional. Too many students are held in these language maintenance programs, never acquiring enough English fluency to regain mainstream classroom capabilities. U.S. News pointed out a woman in New York who had a ninth grade daughter in the classroom of bilingual education for 9 years and this family had a very poor experience in that the youngster never did get into transitional English.

Mr. Speaker, all kinds of examples in the magazine, in U.S. News and World Report, point out that the family's experiences are all too common. For example, Ray Domanico, of the New York Public Education Association, says that bilingual education, "is becoming an institutionalized ghetto." Arthur Schlesinger in his book, "The Disuniting of America," points out that "bilingual education promotes segregation, nourishes racial antagonism, and shuts the door to students," all things that we do not want to happen in America.

Bilingual education also is all too often not actually bilingual, as the re-

port points out. The word "bilingual" implies that students in these programs receive equal amounts of instruction in two languages. This could not be further from the truth. Many students in bilingual education get as many as 30 minutes a day in English.

Mr. Speaker, how can anyone expect to pick up English quickly under these conditions? How can we expect the students to pick up English under these conditions? The answer is that they cannot.

Bilingual education does not help children learn English quickly and effectively, as Congress intended it to do, yet the program has flourished for at least three decades, going from a small pilot program 28 years ago to a \$10 billion business, spawning a bureaucracy bent on self-preservation. Some of the Government's worst bureaucratic excesses can be found in the administration of these programs.

The inertia of billion-dollar budgets drives bilingual education expansion. In many areas across the country, children are misplaced into these programs. In some cases they are put into bilingual education classrooms not because they do not understand English well, but because they cannot read English well. These children need remedial English classes; not history in Spanish or Mandarin Chinese.

Worst still, Mr. Speaker, some children are placed in these programs simply because they have ethnic surnames. In a complete perversion of the so-called multiculturalism, children with names like Ming or Martinez are red-flagged on school rolls and are placed, without their parents' consent or permission, into these programs.

In New York City recently, a number of families became so frustrated with the bilingual bureaucracy that they took the New York Board of Education to court in order to win the right to withdraw their children from bilingual educational programs.

In some ways, these children are the lucky ones. They had parents who had the strength and courage to stand up to the system. How many children are not so lucky? Mr. Speaker, I have heard horror stories of Haitian Creole-speaking children placed in Spanish classes because there are not enough of them to warrant their own instructor.

In other cases, desperate school superintendents struggling to meet State and Federal bilingual education guidelines are forced to recruit uncredentialed, unqualified, instructors from abroad, many of whom do not speak English. The result, Mr. Speaker, is that we have teachers who cannot speak English teaching children who do not speak English. It does not take an Ivy League-educated Education Department bureaucrat to conclude that under these conditions, children do not learn English quickly or effectively.

An entire generation of children has been forced to suffer through these public policies gone awry. The high school dropout rate in these areas is

exceedingly high; higher than any other rate. That is why, Mr. Speaker, I have taken this time to focus Congress' attention on what bilingual education is doing to our students.

Mr. Speaker, the high school dropout rate for Hispanic students, one of the telling indicators bilingual education was supposed to change, has not budged since the programs began. Tellingly, it remains the highest of any ethnic group—four times higher than that of most other groups and another example from U.S. News, three times higher than that of Afro-Americans.

Mr. Speaker, for most of our Nation's history, America gave the children of immigrants a precious gift—an education in the English language. As each new wave of immigrants arrived on these shores, our public school system taught their sons and daughters English so they could claim their piece of the American dream.

What are we doing for these new Americans today? Instead of a first-rate education in English, our bilingual education programs are consigning an entire generation of new Americans—unable to speak, understand, and use English effectively—to a second-class future.

This tragedy has human faces. Let me tell you about two people's experiences which will illustrate the impact of our failed bilingual education programs. I have never heard the problems with bilingual education more poignantly put than in the words of Ernesto Ortiz, a foreman on a south Texas ranch who said: "My children learn Spanish in school so they can become busboys and waiters. I teach them English at home so they can become doctors and lawyers." Ernesto understands that English is the language of opportunity in this country. He understands that denying his children a good education in English will doom them to a limited—as opposed to limitless—future.

Bilga Abramova also understands this simple truth. Bilga is a 35-year-old Russian refugee who has entered a church lottery 3 times in an attempt to win 1 of 50 coveted spaces in a free, intensive English class offered by her local parish. Her pleas in Russian speak volumes about the plight of all too many immigrants: "I need to win," she said. "Without English, I cannot begin a new life."

The ultimate paradox about our commitment to bilingual education in this country is that Bilga and others like her all across the country sit on waiting lists for intensive English classes while we spend \$8 billion a year teaching children in their native language.

You have heard from parents like Ernesto Ortiz and how they feel about bilingual education. Even teachers oppose these programs. A recent survey of 1,000 elementary and secondary teachers found that 64 percent of them disapproved of bilingual education programs and favored intensive English instruction instead.

Even longtime defenders of these programs are starting to change their tune. The California Board of Education approved a new policy recently in which they abandoned their preference for bilingual education programs.

This year marks the 28th year of bilingual education programs. For more and more people, that is 28 years too long. It is time to take a fresh look at this problem. Bilingual education has had 28 years and billions of dollars to prove that it accomplished what it said it would do in 1968: teach children English

quickly and effectively. Too many people lose sight of the fact that the real issue here is how to help children and newcomers who do not know English and who need to assimilate.

Let us not forget Ernesto Ortiz and his children, Bilga Abramova and other new Americans like them. Mr. Speaker, this is not just an abstract public policy issue; bilingual education and our national language policies have real world consequences. When our policies fail, the failures have names and faces attached to them. When our policies serve to divide rather than unite us, the rips appear in the very fabric of the American Nation.

The following description of bilingual education comes from US News and World Report: "along with crumbling classrooms and violence in the hallways, bilingual education has emerged as one of the dark spots on the grim tableau of American public education. Today, the program has mushroomed into a \$10 billion-a-year bureaucracy that not only cannot promise that students will learn English but may actually do some children more harm than good."

Mr. Speaker, this should be bilingual education's epitaph. I urge all of my colleagues to see the writing on the wall. Bilingual education has had its time to prove its effectiveness; 28 years is long enough to see if this approach works. These programs were created with good intentions, I am sure. However, after almost three decades and billions of dollars, we must recognize the painful truth that bilingual education does not work.

CONGRESS PLAYING POLITICAL CHICKEN WITH NATION'S CREDIT RATING

The SPEAKER pro tempore. Under the Speaker's announced policy of May 12, 1995, the gentlewoman from Colorado [Mrs. SCHROEDER] is recognized during morning business for 5 minutes.

Mrs. SCHROEDER. Mr. Speaker, I came to the floor to speak about something else, but I ask the gentleman from Missouri [Mr. VOLKMER] to stay, because I was very fascinated by what he was saying, and he only had the 5 minutes. The gentleman is saying that his committee is going to mark up this megabill that is going to cost billions of dollars, and really it is going to be basically for the fat-cat farmers?

Mr. VOLKMER. If the gentlewoman will yield, yes, basically the wealthy, the farmer with a lot of acreage producing a lot of crops will benefit from it.

To give another example, down in cotton country, in west Texas and New Mexico and other places where upland cotton is grown, if they gave a good year, and it looks like next year is going to be a good year, if they follow the programs, they could make, say, half a million dollars in selling their cotton. At the same time, a father and two sons, or a father with his two brothers, as long as they have three entities, they can get \$40,000 each. They will get that whether they farm or not.

If they make half a million dollars, they are still going to get \$120,000 from the Government. If they do not farm at all, they decide, "Well, we are going to

quit farming, we are going to let the land stay idle. Let us go down south for a while," they get \$120,000. That is right. They do not have to farm at all.

Mrs. SCHROEDER. Mr. Speaker, reclaiming my time, that is absolutely astounding. They get paid whether they decide to work or not?

Mr. VOLKMER. Mr. Speaker, the gentlewoman is correct.

Mrs. SCHROEDER. Mr. Speaker, this is a welfare program that makes welfare look tough.

Mr. VOLKMER. Mr. Speaker, if the gentlewoman would continue to yield, it makes AFDC and food stamps and everything so little and so pikey. And yet they on that side made a big to-do on how we have to save all of this money, getting back to kids eating, to school lunches, and then giving big farmers, many of which have their own airplanes and their own big cars and Mercedes and make hundreds of thousands of dollars a year, they are going to give them money.

Like I said before, in the chairman's own district, it has been estimated that in the chairman's own district in western Kansas, he has 85 percent of his wheat farmers in the program. So they will, each one of them will get on the average, estimated on the average, \$30,000 a year, even if they do not farm. If they do, and next year wheat prices are looking real good, and they make a \$100,000, they still are going to make that \$30,000.

Mrs. SCHROEDER. They do not have to give it back?

Mr. VOLKMER. No, no, it is guaranteed.

Mrs. SCHROEDER. Mr. Speaker, reclaiming my time, I thank the gentleman for staying. I know the gentleman is very busy.

Mr. Speaker, what the gentleman is saying is classic about what is going on around here. This place is basically shut down. They throw out a bill, and we find out all of these special interests here in it. Here we are, playing political chicken with the credit rating of this Nation. This is outrageous.

Mr. VOLKMER. Mr. Speaker, if the gentlewoman would yield, it is the same thing that happened in the 100 days. Remember, if we were on the committee, we got the bill that morning. Guess what, I got the final version of their bill this morning, and we are going to mark it up at 2 o'clock.

Mrs. SCHROEDER. Mr. Speaker, I thank the gentleman from Missouri. He is obviously a speed reader, if he got through it that fast, and the rest of us will never see it.

Mr. Speaker, it will be like the committee that I am on that came to the floor last week. The Committee on National Security got notice that there were two copies of the bill, and we could go in the morning and could go to the room where the two copies of the bill were located. We could spend our time reading the bill, of course, this thick. Get a clue.

So I must say, this is really very troubling as to what is going on here

and how stuff is ramrodded through, and we are getting paid, but we are doing nothing. We are becoming like the farmers, I guess. We get paid whether we legislate or not or whether we do anything realistic or not. Here we are, this is great. I guess we are changing our programs so that everybody else gets to be like Members of Congress.

This is a light month; February, we are hardly here. But the tragedy is, this is a very serious month. This is the month when the birthdays of Washington and Lincoln come up. I wonder what they must be thinking that we are celebrating their birthday in February by pushing this country to the brink of shoving its credit rating right off the side.

Mr. Speaker, I think of every American family sitting around their kitchen table, and one of the things they are terribly worried about is obviously their credit rating. In America, if one's credit rating goes sour, they are going to have a very tough life. If our country's credit rating goes sour, we are going to look like fools on this planet.

Mr. Speaker, I think it is really time that we all come and have some debates about those issues. We owe that to the people sitting around the kitchen table dealing with those issues in their own family budgets. For crying out loud, we are paid to deal with this Nation's budget. We are now 5 months into the fiscal year, and we have not done it. It is about time we get on with it.

OPPOSE FRANCE'S NUCLEAR TESTS

The SPEAKER pro tempore. Under the Speaker's announced policy of May 12, 1995, the gentleman from Washington [Mr. McDERMOTT] is recognized during morning business for 5 minutes.

Mr. McDERMOTT. Mr. Speaker, I urge your support for a letter which will be delivered to French President Jacques Chirac when he arrives in Washington this week.

Our letter expresses our support for France's decision to end its recent series of nuclear testing, as well as our concern about the long-term damage caused by the tests in the first place.

Our letter is simple and to the point: while we oppose France's series of nuclear tests that began this past September, we ask that the French Government permanently close its testing facilities and immediately begin a comprehensive cleanup operation.

France's decision to conduct a series of tests prior to enacting a Comprehensive Nuclear Test Ban Treaty is hypocritical and lacks the sound judgment of a country that aspires to world leadership.

By continuing with these unlawful tests, France undermined its credibility in the world community. We are now forced to question the French Government's reliability in what they say is their commitment to eliminate nuclear weapons.

We implore France to join the United States and other nuclear powers to immediately push for, and complete negotiations, for a Comprehensive Test Ban Treaty.

Much is at stake. If the nations involved do not seize this opportunity to reach agreement on the Comprehensive Test Ban Treaty soon, the world's best and perhaps last chance to end nuclear testing may slip through our fingers.

I hope you will join me and Congressman MARKEY in sending a message to France that the United States objects to their series of nuclear tests, and that an agreement should be reached as soon as possible on the Comprehensive Test Ban Treaty.

TEENAGE PREGNANCY

The SPEAKER pro tempore. Under the Speaker's announced policy of May 12, 1995, the gentlewoman from North Carolina [Mrs. CLAYTON] is recognized during morning business for 5 minutes.

Mrs. CLAYTON. Mr. Speaker, yesterday the President launched a national campaign to reduce teenage pregnancy. Today, I am circulating a letter that will be sent to the President by the end of the week—stating the support of Members of the House of Representatives for this vital initiative.

The goal of the President's campaign is to reduce the rate of teenage pregnancy by one-third in 10 years. It is a reasonable goal. It is an achievable goal. This is a campaign that can be won and must be won. This is a campaign that all of us should be engaged in, Democrats, Republicans, and independents.

A recent report to Congress on out-of-wedlock childbearing indicates that 30 percent of all out-of-wedlock births are to teenagers, below age 20. The increase in out-of-wedlock births is alarming. Most alarming is that 30 percent of the out-of-wedlock births are to adolescents.

One objective of welfare reform, shared by both political parties, is to reduce teenage childbearing. We can not ignore the reality that most young men and women are increasingly delaying marriage until their mid-20's and beyond—but not sexual activity.

In 1960, 14 percent of young women ages 15-19 were married. By 1992, the proportion was less than 5 percent.

Because these young men and women are becoming sexually experienced at younger ages without the benefit of marriage and sex education, there are proportionally more teenagers exposed to the risk of unmarried pregnancy. In 1970, 29 percent of 15-19 year old females were sexually experienced. By 1988, that number had increased to 52 percent.

The relationship between poverty and teenage pregnancy is significant. In 1994, of all young women age 15-19, 38 percent were defined as poor or low-income. According to the report, of these, poor or low-income young women 73 percent were projected to be-

come pregnant. In 1988, 56 percent of pregnant girls ages 15-19 were from families with incomes less than \$12,000 annually. By contrast, 27 percent whose family incomes were between \$12,000-\$24,000 gave birth, and only 17 percent whose family incomes were above \$25,000 gave birth.

Reducing teenage childbearing is likely to require more than eliminating or manipulating welfare programs. The underlying causes are said to include family instability, economics, poverty, lack of education, and sexual abuse. And, sadly, the report indicates that young women and men who become teen parents have few expectations, few ties to community institutions, few adult mentors and role models, and too much spare time. Many live in communities where crime and drug use are common, where dropping out of school and chronic unemployment are even more common.

In my opinion these causes can be reduced to the lack of hope and confidence in the future by our teenagers. Our society cannot endure this human burden.

We must, therefore, implement pregnancy prevention programs that educate and support school age youths, 10-19, in high-risk situations and their family members through comprehensive social and health services with an emphasis on pregnancy prevention.

But again, Government programs alone will not properly address this serious problem of teenage pregnancy. All sectors of our communities must be engaged. In my congressional district, I have created a task force of private citizens and State and local officials to study ways that we can address this problem.

The task force has begun planning for a forum on adolescent pregnancy prevention to be held on March 16, 1996. This forum is designed to help local communities understand the problem, to engage the participation of various organizations—youth, church, civic, and public institutions—and to give visibility to successful community programs.

The President's national campaign to reduce teenage pregnancy will be a tremendous boost to those efforts.

The total cost of maternity care for an out-of-wedlock birth and the baby's first 12 months of medical care is said to be more than \$8,000, according to the North Carolina Department of Human Resources. The number of teenage pregnancies covered by Medicaid in North Carolina in a year is nearly 13,000. When that number is multiplied by \$8,506, the grand total becomes \$108,851,282. If all of these teenage mother's had been able to delay becoming pregnant until they were older and financially able to take care of a baby, those resources could have been used in other productive ways.

After the first year of life, very often these same teenagers require AFDC, food stamps, and additional Medicaid benefits for the child. Mr. Speaker, my

colleagues can do the math on these figures; however, the point is obvious.

Prevention is much better and cheaper than punishment after the fact of childbearing. And, we should not forget that teen pregnancy is also a strong predictor of a new generation of disadvantage. The equation is simple. As poverty is the most accurate predictor of teen pregnancy, teen pregnancy is a near-certain predictor of poverty.

The board membership of the national campaign is broad and bipartisan, including former Surgeon General, Dr. C. Everett Koop and former Senator Warren Rudman. It is an easy, yet important gesture to let the members of the board know, through this letter to the President, that we in the House of Representatives stand behind them. Their goal is ambitious. The situation is urgent. Each Member has an obligation to be engaged in this effort.

TRIBUTE TO RALPH W. YARBOROUGH

The SPEAKER pro tempore. Under the Speaker's announced policy of May 12, 1995, the gentleman from Texas [Mr. DOGGETT] is recognized during morning business for 5 minutes.

Mr. DOGGETT. Mr. Speaker, as this Congress convenes today in Washington, many Texans are convened in Austin, TX, to celebrate the life of Ralph W. Yarborough. Senator Yarborough, Judge Yarborough, Assistant Attorney General Yarborough, a man originally from Chandler, TX, but a man now claimed by people across our great State, is one who contributed significantly to the lives of those of us who live now in Texas.

Senator Yarborough was the only southern Senator to support the Civil Rights Act of 1964. Just as the great Senator and general, Sam Houston, once cut across the grain of popular opinion in Texas when the question was union in the 1860's, so Senator Yarborough had the courage to cut across the grain of popular opinion at the time and do what was best for the future of our State by standing up for civil rights.

Senator Yarborough is a person who served our State with incredible tenacity and incredible courage. Many Texans now will perhaps not remember his service when they take an excursion to the Guadalupe Mountains National Park, when they visit Padre Island National Seashore, when as a veteran they benefit from his work on the GI bill of rights that extended education services for veterans. But his mark is there, an immense mark with reference to legislation.

I think more than any particular legislative act, those of us who continue to participate in public service in Texas will remember the role that Ralph Yarborough made in public service in our State, in every branch of government. We remember that Ralph Yarborough symbolized concern for people, but he recognized that those

who submit themselves for public service need not begin by taking a poll but by trying to lead public opinion and mold it, not just to react to it.

Senator Yarborough was a leader in the true sense, a genuine public servant. We are fortunate that he came our way.

There are those, of course, who refer to him as a firebrand, but when I visited with him, I always found that the fire that burned was a fire of justice, one who responded consistently when injustice affected the people of our State.

We thank you, Senator Yarborough, for a life well lived, and a State well served. You have served well not only those of us in Texas while you were in the Senate, but have benefited generations of Texans to come.

RESCUE OUR NATION'S CREDIT NOW

The SPEAKER pro tempore. Under the Speaker's announced policy of May 12, 1995, the gentlewoman from the District of Columbia [Ms. NORTON] is recognized during morning business for 5 minutes.

Ms. NORTON. Mr. Speaker, I come to the floor this morning to say a few words about two cosmic issues. One is the state of disrepair in which our CR's and appropriation process have left Federal agencies. The other, of course, is the weightiest of all: the debt limit of the United States, our full faith and credit twisting in the wind as we speak.

Mr. Speaker, this Congress has got to face up to its responsibility to come to cloture, to settle the Government so that the Government does not dissolve into chaos waiting to see whether continuing resolutions will be for a few days, a few weeks, or until September 30. Mr. Speaker, we avoided a shutdown and took a breath, but for some Federal workers and for some agencies, what has been left is virtually the same thing.

What should Federal agencies do? Some are on CR's that go to March 15, others to September 30. There are disparate amounts of money that the agencies may spend. For those on short-term CR's, shall they wait to find out what we are going to do or should they RIF now or cut back now? Of course, if they do, they may find that the layoffs were entirely unnecessary if we reach a budget agreement. What a position to leave the Government in.

How much worse is the position in which we leave people who happen to work for the Federal Government? Let us take the EPA as an example. Should they now fire almost 4,000 employees? Shall they plan for unpaid furloughs that could last almost 3 weeks? Or will we do something to make all of this unnecessary? Is it, by any definition, fair to leave people wondering about this set of choices?

What about the States? The States depend upon money that is holed up in

these agencies that we have not let free. They will not be getting their Federal funds on which they too are relying. These are your States and my States.

What about the contractors? Often contractors are out there doing the work because we said they could do it more efficiently. What about contractors? Shall they lay off people? Shall they go out on a limb and take bank loans?

This is no way to run a corner store, much less a government. If we are going to cut people off, we ought to cut them off. We should not let people and agencies starve to death. Above all, we should take our full faith and credit and decide what we are going to do with it.

Believe me, Mr. Speaker, I think I know what it means to lose your credit, because I come from the District of Columbia. There is no higher authority than the Government of the United States. The Congress is that higher authority. The District of Columbia avoided default, but it has lost its credit. Moody's has said that we could lose our credit. A default may be unthinkable, but even a threat of default could raise interest rates on ordinary Americans. Almost nobody would be immune from the effect. Those who would feel it most immediately would be those with adjustable rate mortgages, which millions of Americans have, and pensioners whose pensions depend upon interest payments from annuities.

This week we must not go home without settling, bringing to cloture what is to happen to our Federal agencies. Of course we should not walk out that door into the street without rescuing our credit, the best credit in the world, from doubt.

RECESS

The SPEAKER pro tempore. There being no further requests for morning business, pursuant to clause 12, rule I, the House will stand in recess until 2 p.m. today.

Accordingly (at 1 o'clock and 5 minutes p.m.), the House stood in recess until 2 p.m.

□ 1400

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. YOUNG of Florida) at 2 p.m.

PRAYER

The Chaplain, Rev. James David Ford, D.D., offered the following prayer:

O God our help in ages past, our hope for years to come, we come before You in this quiet moment of prayer with our petitions both great and small. We place before You our aspirations and hopes, our dreams and our ambitions,

asking that You bless that which is good and honorable and show us the way of truth. May Your spirit correct us when wrong, amend our willful deeds, and teach us the power of faith and hope and love in all we do or ask or say. In Your name, we pray. Amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Lundregan, one of its clerks, announced that the Senate had passed without amendment bills of the House of the following titles:

H.R. 2111. An act to designate the Federal building located at 1221 Nevin Avenue in Richmond, California, as the "Frank Hagel Federal Building".

H.R. 2726. An act to make certain technical corrections in laws relating to Native Americans, and for other purposes.

The message also announced that the Senate agrees to the amendment of the House to the amendment of the Senate to the text of the bill (H.R. 2029) "An act to amend the Farm Credit Act of 1971 to provide regulatory relief, and for other purposes."

The message also announced that the Senate had passed bills of the following titles, in which the concurrence of the House is requested:

S. 1543. An act to clarify the treatment of Nebraska impact aid payments.

S. 1544. An act to authorize the conveyance of the William Langer Jewel Bearing Plant to the Job Development Authority of the City of Rolla, North Dakota.

S. 1463. An act to amend the Trade Act of 1974 to clarify the definitions of domestic industry and like articles in certain investigations involving perishable agricultural products, and for other purposes.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentlewoman from Hawaii [Mrs. MINK] come forward and lead the House in the Pledge of Allegiance.

Mrs. MINK of Hawaii led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

PRIVILEGES OF THE HOUSE— WITHDRAWAL OF INVITATION TO FRENCH PRESIDENT JACQUES CHIRAC AND NOT AGREEING TO FUTURE APPEARANCES TO AD- DRESS JOINT MEETINGS OF CON- GRESS BY HEADS OF STATE OF NATIONS CONDUCTING NUCLEAR TESTS

Mrs. MINK of Hawaii. Mr. Speaker, pursuant to clause 2(a)(1) of rule IX, I

hereby give notice of my intention to offer a resolution which raises a question of the privileges of the House.

The form of the resolution is as follows:

H. RES. —

Whereas virtually every nation in the world has adhered to a moratorium on nuclear tests since September 1992;

Whereas, on June 13, 1995, President Jacques Chirac of France ended his nation's adherence to the moratorium by ordering a series of nuclear tests in the South Pacific;

Whereas France has acted conducted six nuclear tests on the Pacific atolls of Mururoa and Fangataufa in French Polynesia;

Whereas France has acknowledged that radioactive materials from some of the tests have leaked into the ocean;

Whereas, as a result of the tests, the people of the Pacific are extremely concerned about the health and safety of those who live near the test sites, as well as the adverse environmental effects of the tests on the region;

Whereas, in conducting the tests, France has callously ignored world-wide protests and global concern;

Whereas the United States is one of 167 nations that have objected to the tests;

Whereas the tests are inconsistent with the "Principles and Objectives for Disarmament", as adopted by the 1995 Review and Extension Conference of the Parties to the Treaty on Non-Proliferation of Nuclear Weapons;

Whereas, in proceeding with the tests, France has acted contrary to the commitment of the international community to the non-proliferation of nuclear weapons and the moratorium on nuclear testing;

Whereas the President of France, Jacques Chirac, is scheduled to appear before a joint meeting of the Congress on February 1, 1996; and

Whereas, in light of the tests, the appearance of the President of France before the Congress violates the dignity and integrity of the proceedings of the House: Now, therefore, be it

Resolved, That, by reason of the recent nuclear tests conducted by France in the South Pacific, the Speaker of the House shall take such action as may be necessary to withdraw the invitation to the President of France, Jacques Chirac, to address a joint meeting of the Congress, as scheduled to occur on February 1, 1996.

SEC. 2. On and after the date on which this resolution is agreed to, the Speaker of the House may not agree to the appearance before a joint meeting of the Congress by any head of state or head of government whose nation conducts nuclear tests.

The SPEAKER pro tempore. Under rule IX, a resolution offered from the floor by a Member other than the majority leader or the minority leader as a question of the privileges of the House has immediate precedence only at a time or place designated by the Speaker in the legislative schedule within 2 legislative days of its being properly noticed. The Chair will announce the Chair's designation at a later time. The Chair's determination as to whether the resolution constitutes a question of privilege will be made at the time designated by the Chair for consideration of the resolution.

ANNOUNCEMENT BY THE SPEAKER
PRO TEMPORE

The SPEAKER pro tempore. The Chair will now entertain 1-minute.

THE DEBT CEILING INCREASE

(Mr. JONES asked and was given permission to address the House for 1 minute.)

Mr. JONES. Mr. Speaker, I have listened with amazement as the President calls upon Republicans to pass a clean increase in the debt ceiling. Well, let me just say right now, there is nothing clean about stealing another trillion dollars from our children.

Mr. Speaker, Republicans already passed a responsible increase in the debt limit. It was part of the Balanced Budget Act. The President choose to veto it. We put it very clearly to the President: We are not going to let our Nation default on its debt, but we will not give the President a blank check to spend more money.

That is exactly what the President is asking for: a blank check, so he can spend not our money, but our children's money.

Mr. Speaker, default is not an option and Republicans will not let the President's irresponsibility let that happen. We will give him the chance to sign yet another increase in the debt ceiling. But we won't do it without at least providing a downpayment on a balanced budget.

JOINT MEETING WITH PRESIDENT
JACQUES CHIRAC

(Mrs. MINK of Hawaii asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. MINK of Hawaii. Mr. Speaker, I have filed a privileged resolution and hope that the leadership of this House will consider it before the resolution itself and its contents become moot.

The resolution asks the Speaker to disinvite the President of France to come to a joint session to address it on February 1. There is an awesome responsibility in nations that possess nuclear power. And in this time and age, certainly we are sophisticated enough and advanced enough to reject the possibility, even, of a nuclear war.

So for such a nuclear power to say that continued tests were necessary, even after their prior government in France had declared a moratorium, to me seems to be an insult not only to humanity but to future life on this planet. Therefore, I feel that the House, being host to such a person who has violated moral responsibilities of leadership, would be against the conscience and integrity of this House.

I ask Members not to attend such session.

SUPPORT IMMIGRATION REFORM

(Mr. SMITH of Texas asked and was given permission to address the House

for 1 minute and to revise and extend his remarks.)

Mr. SMITH of Texas. Mr. Speaker, Congress has a historic opportunity to create an immigration policy that serves America's national interests—not the whims of special interests.

The Immigration in the National Interest Act, H.R. 2202, is a bipartisan effort. It has 120 cosponsors and passed the Judiciary Committee by a vote of 23 to 10.

H.R. 2202 has been endorsed by the Hispanic Business Roundtable, United We Stand, and Veterans of Foreign Wars. The National Association of Manufacturers, Information Technology Association of America, and American Council on International Personnel have endorsed the business-related immigration reforms in the bill.

This bill will secure our borders, protect American lives, make America more competitive in the global marketplace, give spouses and minor children high priority in the immigration system, and encourage immigrants to be self-reliant.

Support immigration reform in the national interest. Cosponsor H.R. 2202 today.

IN SUPPORT OF PRIVILEGED
RESOLUTION

(Mrs. SCHROEDER asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. SCHROEDER. Mr. Speaker, I proudly stand with the gentlewoman from Hawaii in her privileged resolution, asking that this body take up and debate whether or not the President of France should have the very special privilege that so few heads of state ever have, and that is to address this Chamber.

I think it will be very ironic if we are allowing a French President, who has nuclear weapons and who has allowed them to be tested at the horror of all the rest of the world standing by and watching it, if we allow that French President to come here and address this body but we do not allow a resolution of a Member of Congress with many Members joining with her to come up to debate it first. I must say, if that happens, what has happened to our democracy?

But, Mr. Speaker, furthermore, we all know that nuclear weapons are very, very dangerous and with the cold-war meltdown, there is no reason to go throwing them around in the environment, harming people just because you can. That is wrong, and the French President should not be here.

A LETTER TO FRENCH PRESIDENT
JACQUES CHIRAC

(Mr. MARKEY asked and was given permission to address the House for 1 minute.)

Mr. MARKEY. Mr. Speaker, after exploding six nuclear weapons tests, the

French Government has announced an end to its nuclear testing program. Last Saturday's explosion, it turns out, was the "last thermonuclear tango in Paris."

First, however, France joined China as the only nation to break a nuclear testing moratorium in effect since 1992. Then it was forced to admit that radioactive chemicals from its test site in the South Pacific have leaked into the sea. When President Chirac visits Washington this week, the gentleman from Washington [Mr. McDERMOTT] and I will deliver a letter to the French Government along with several of our House colleagues praising France's decision to stop detonating nuclear test devices.

In our letter, we also urge France to permanently close its testing site in the South Pacific and to begin a complete cleanup operation. France's pledge to sign a comprehensive test ban treaty outlawing all nuclear weapons is a good position to take. But France should close its testing site as an act of good faith with the rest of the world.

COMMUNICATION FROM THE
CLERK OF THE HOUSE

The SPEAKER pro tempore laid before the House the following communication from the Clerk of the House of Representatives:

U.S. HOUSE OF REPRESENTATIVES,
OFFICE OF THE CLERK,
Washington, DC, January 30, 1996.

Hon. NEWT GINGRICH,
The Speaker, U.S. House of Representatives,
Washington, DC.

DEAR MR. SPEAKER: Pursuant to the permission granted in Clause 5 of Rule III of the Rules of the U.S. House of Representatives, I have the honor to transmit a sealed envelope received from the White House on Monday, January 29, 1996 at 1:20 p.m. and said to contain a message from the President whereby he submits a semiannual report on the continued compliance with U.S. and international standards in the area of emigration policy of the Republic of Bulgaria.

With warm regards,

ROBIN H. CARLE,
Clerk, U.S. House of Representatives.

REPORT ON EMIGRATION LAWS
AND POLICIES OF THE REPUBLIC
OF BULGARIA—MESSAGE FROM
THE PRESIDENT OF THE UNITED
STATES

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on Ways and Means and ordered to be printed:

To the Congress of the United States:

On June 3, 1993, I determined and reported to the Congress that Bulgaria is in full compliance with the freedom of emigration criteria of sections 402 and 409 of the Trade Act of 1974. This action allowed for the continuation of most-

avored-nation (MFN) status for Bulgaria and certain other activities without the requirement of a waiver.

As required by law, I am submitting an updated report to the Congress concerning emigration laws and policies of the Republic of Bulgaria. You will find that the report indicates continued Bulgarian compliance with U.S. and international standards in the area of emigration policy.

WILLIAM J. CLINTON,
THE WHITE HOUSE, January 29, 1996.

ANNOUNCEMENT BY THE SPEAKER
PRO TEMPORE

The SPEAKER pro tempore. Pursuant to the provisions of clause 5 of rule I, the Chair announces that he will postpone further proceedings today on each motion to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote is objected to under clause 4 of rule XV.

Such rollcall votes, if postponed, will be taken on Wednesday, January 31, 1996.

□ 1415

INTERSTATE TRANSPORTATION OF
MUNICIPAL SOLID WASTE ACT
OF 1995

Mr. BLILEY. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 349) providing for the consideration of S. 534.

The Clerk read as follows:

H. RES. 349

Resolved, That upon the adoption of this resolution, the Committee on Commerce shall be discharged from further consideration of the bill S. 534 and the House shall be considered to have struck out all after the enacting clause and inserted in lieu thereof an amendment consisting of the text contained in section 2 of this resolution, the bill shall be considered to have passed the House, as amended, and the House shall be considered to have insisted on the House amendment and requested a conference with the Senate thereon.

SEC. 2. CONGRESSIONAL AUTHORIZATION OF
STATE AND LOCAL MUNICIPAL
SOLID WASTE FLOW CONTROL.

(a) AMENDMENT OF SUBTITLE D.—Subtitle D of the Solid Waste Disposal Act is amended by adding after section 4010 the following new section:

“SEC. 4011. CONGRESSIONAL AUTHORIZATION OF
STATE AND LOCAL GOVERNMENT
CONTROL OVER MOVEMENT OF MU-
NICIPAL SOLID WASTE AND RECY-
CLABLE MATERIALS.

“(a) FLOW CONTROL AUTHORITY FOR FACILITIES DESIGNATED AS OF MAY 16, 1994.—Any State or political subdivision thereof is authorized to exercise flow control authority to direct the movement of municipal solid waste, and recyclable materials voluntarily relinquished by the owner or generator thereof, to particular waste management facilities, or facilities for recyclable materials, designated as of May 16, 1994, if each of the following conditions are met:

“(1) The waste and recyclable materials are generated within the jurisdictional boundaries of such State or political subdivision, determined as of May 16, 1994.

“(2) Such flow control authority is imposed through the adoption or execution of a law, ordinance, regulation, resolution, or other legally binding provision or legally binding official act of the State or political subdivision that—

“(A) was in effect on May 16, 1994,

“(B) was in effect prior to the issuance of an injunction or other order by a court based on a ruling that such law, ordinance, regulation, resolution, or other legally binding provision or official act violated the Commerce Clause of the United States Constitution, or

“(C) was in effect immediately prior to suspension thereof by legislative or official administrative action of the State or political subdivision expressly because of the existence of a court order of the type described in subparagraph (B) issued by a court of the same State or Federal judicial circuit.

“(3) The State or a political subdivision thereof has, for one or more of such designated facilities, in accordance with paragraph (2), on or before May 16, 1994, either—

“(A) presented eligible bonds for sale, or

“(B) executed a legally binding contract or agreement that obligates it to deliver a minimum quantity of waste or recyclable materials to one or more such designated waste management facilities or facilities for recyclable materials and that obligates it to pay for that minimum quantity of waste or recyclable materials even if the stated minimum quantity of such waste or recyclable materials is not delivered within a required time-frame.

“(b) WASTE STREAM SUBJECT TO FLOW CONTROL.—The flow control authority of subsection (a) shall only permit the exercise of flow control authority to any designated facility of the specific classes or categories of municipal solid waste and voluntarily relinquished recyclable materials to which flow control authority was applicable on May 16, 1994, or immediately before the effective date of an injunction or court order referred to in subsection (a)(2)(B) or an action referred to in subsection (a)(2)(C) and—

“(1) in the case of any designated waste management facility or facility for recyclable materials that was in operation as of May 16, 1994, only if the facility concerned received municipal solid waste or recyclable materials in those classes or categories within 2 years prior to May 16, 1994, or the effective date of such injunction or other court order or action,

“(2) in the case of any designated waste management facility or facility for recyclable materials that was not yet in operation as of May 16, 1994, only of the classes or categories that were clearly identified by the State or political subdivision as of May 16, 1994, to be flow controlled to such facility, and

“(3) only to the extent of the maximum volume authorized by State permit to be disposed at the waste management facility or processed at the facility for recyclable materials.

If specific classes or categories of municipal solid waste or recyclable materials were not clearly identified, paragraph (2) shall apply only to municipal solid waste generated by households, including single family residences and multi-family residences of up to 4 units.

“(c) DURATION OF FLOW CONTROL AUTHORITY.—Flow control authority may be exercised pursuant to this section to any facility or facilities only until the later of the following:

“(1) The expiration date of the bond referred to in subsection (a)(3)(A).

“(2) The expiration date of the contract or agreement referred to in subsection (a)(3)(B).

“(3) The adjusted expiration date of a bond issued for a qualified environmental retrofit.

Such expiration dates shall be determined based upon the terms and provisions of the bond or contract in effect on May 16, 1994. In the case of a contract described in subsection (a)(3)(B) that has no specified expiration date, for purposes of paragraph (2) the expiration date shall be treated as the first date that the State or political subdivision that is a party to the contract can withdraw from its responsibilities under the contract without being in default thereunder and without substantial penalty or other substantial legal sanction.

(d) MANDATORY OPT-OUT FOR GENERATORS AND TRANSPORTERS.—Notwithstanding any other provision of this section, no State or political subdivision may require any generator or transporter of municipal solid waste or recyclable materials to transport such waste or materials, or deliver such waste or materials for transportation, to a facility that is listed on the National Priorities List established under the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 unless such State or political subdivision or the owner or operator of such facility has adequately indemnified the generator or transporter against all liability under that Act with respect to such waste or materials.

(e) EFFECT ON EXISTING LAWS.—

(1) ENVIRONMENTAL LAWS.—Nothing in this section shall be interpreted or construed to have any effect on any other law relating to the protection of human health and the environment, or the management of municipal solid waste or recyclable materials.

(2) STATE LAW.—Nothing in this section shall be interpreted to authorize a political subdivision to exercise the flow control authority granted by this section in a manner inconsistent with State law.

(3) OWNERSHIP OF RECYCLABLE MATERIALS.—Nothing in this section shall authorize any State or political subdivision to require any generator or owner of recyclable materials to transfer any recyclable materials to such State or political subdivision, nor shall prohibit any persons from selling, purchasing, accepting, conveying, or transporting any recyclable materials, unless the generator or owner voluntarily makes such recyclable materials available to the State or political subdivision and relinquishes any rights to, or ownership of, such recyclable materials.

(f) FACILITIES NOT QUALIFIED FOR FLOW CONTROL.—No flow control authority may be exercised under the provisions of this section to direct solid waste or recyclable materials to any facility pursuant to an ordinance if—

(1) the ordinance was determined to be unconstitutional by a State or Federal court in October of 1994;

(2) the facility is located over a sole source aquifer, within 5 miles of a public beach, and within 25 miles of a city with a population of more than 5,000,000; and

(3) the facility is not fully permitted and operating in complete official compliance with all Federal, State, and local environmental regulations.

(g) LIMITATION ON REVENUE.—A State or qualified political subdivision may exercise the flow control authority granted in this section only if the State or qualified political subdivision limits the use of any of the revenues it derives from the exercise of such authority for the payment of one or more of the following:

(1) Principal and interest on any eligible bond.

(2) Principal and interest on a bond issued for a qualified environmental retrofit.

(3) Payments required by the terms of a contract referred to in subsection (a)(3)(B).

(4) Other expenses necessary for the operation and maintenance of designated facili-

ties and other integral facilities necessary for the operation and maintenance of such designated facilities that are identified by the same eligible bond.

(5) To the extent not covered by paragraphs (1) through (4), expenses for recycling, composting, and household hazardous waste activities in which the State or political subdivision was engaged before May 16, 1994, and for which the State or political subdivision, after periodic evaluation, beginning no later than one year after the enactment of this section, finds that there is no comparable qualified private sector service provider available. Such periodic evaluation shall be based on public notice and open competition. The amount and nature of payments described in this paragraph shall be fully disclosed to the public annually.

(h) INTERIM CONTRACTS.—A lawful, legally binding contract under State law that was entered into during the period—

(1) before November 10, 1995, and after the effective date of any applicable final court order no longer subject to judicial review specifically invalidating the flow control authority of such State or political subdivision, or

(2) after such State or political subdivision refrained pursuant to legislative or official administrative action from enforcing flow control authority and before the effective date on which it resumes enforcement of flow control authority after enactment of this section, shall be fully enforceable in accordance with State law.

(i) AREAS WITH PRE-1984 FLOW CONTROL.—

(1) GENERAL AUTHORITY.—A State that on or before January 1, 1984—

(A) adopted regulations under a State law that required or directed transportation, management, or disposal of municipal solid waste from residential, commercial, institutional, or industrial sources (as defined under State law) to specifically identified waste management facilities, and applied those regulations to every political subdivision of the State, and

(B) subjected such waste management facilities to the jurisdiction of a State public utilities commission,

may exercise flow control authority over municipal solid waste in accordance with the other provisions of this section and may exercise the additional flow control authority described in paragraph (2).

(2) ADDITIONAL FLOW CONTROL AUTHORITY.—A State that meets the requirements of paragraph (1) and any political subdivision thereof may exercise flow control authority over all classes and categories of municipal solid waste that were subject to flow control by such State or political subdivision thereof on May 16, 1994, by directing it from any existing waste management facility that was designated as of May 16, 1994, or any proposed waste management facility in the State to any other such existing or proposed waste management facility in the State without regard to whether the political subdivision within which the municipal solid waste is generated had designated the particular waste management facility or had issued a bond or entered into a contract referred to in subsection (a)(3)(A) or (B), respectively.

(3) DEFINITION.—For purposes of this subsection, the term 'proposed waste management facility' means a waste management facility that was specifically identified in a waste management plan prior to May 16, 1994, and for the construction of which—

(A) revenue bonds were issued and outstanding as of May 16, 1994,

(B) additional financing with revenue bonds was required as of the date of enact-

ment of this section to complete construction, and

(C) a permit had been issued prior to December 31, 1994.

(4) LIMITATION OF AUTHORITY.—The additional flow control authority granted by paragraph (2) may be exercised to—

(A) any facility described in paragraph (2) for up to 5 years after the date of enactment of this section, and

(B) after 5 years after enactment of this section, only to those facilities and only with respect to the classes, categories, and geographic origin of waste directed to such facilities specifically identified by the State in a public notice issued within 5 years after enactment of this section.

(5) DURATION OF AUTHORITY.—The authority to direct municipal solid waste to any facility pursuant to this subsection shall terminate with regard to such facility in accordance with subsection (c).

(j) SAVINGS CLAUSE.—Nothing in this section is intended to have any effect on the authority of any State or political subdivision to franchise, license, or contract for municipal solid waste collection, processing, or disposal.

(k) APPLICATION OF FLOW CONTROL AUTHORITY.—The flow control authority granted by this section shall be exercised in a manner that ensures that it is applied to the public sector if it is applied to the private sector.

(l) PROMOTION OF RECYCLING.—The Congress finds that, in order to promote recycling, anyone engaged in recycling activities should strive to meet applicable standards for the reuse of recyclable materials.

(m) EFFECTIVE DATE.—The provisions of this section shall take effect with respect to the exercise by any State or political subdivision of flow control authority on or after the date of enactment of this section, and such provisions shall also apply to the exercise by any State or political subdivision of flow control authority before such date of enactment unless the exercise of such authority has been declared unconstitutional by a final judicial decision that is no longer subject to judicial review.

(n) DEFINITIONS.—For the purposes of this section—

(1) ADJUSTED EXPIRATION DATE.—The term 'adjusted expiration date' means, with respect to a bond issued for a qualified environmental retrofit, the earlier of the final maturity date of such bond or 15 years after the date of issuance of such bonds.

(2) BOND ISSUED FOR A QUALIFIED ENVIRONMENTAL RETROFIT.—The term 'bond issued for a qualified environmental retrofit' means a revenue or general obligation bond, the proceeds of which are dedicated to financing the retrofitting of a resource recovery facility or a municipal solid waste incinerator necessary to comply with section 129 of the Clean Air Act, provided that such bond is presented for sale before the expiration date of the bond or contract referred to in subsection (a)(3)(A) and (B) respectively that is applicable to such facility and no later than December 31, 1999.

(3) DESIGNATE; DESIGNATION, ETC.—The terms 'designate', 'designated', 'designating', and 'designation' mean a requirement of a State or political subdivision, and the act of a State or political subdivision, individually or collectively, to require that all or any portion of the municipal solid waste or recyclable materials that is generated within the boundaries of the State or any political subdivision be delivered to one or more waste management facilities or facilities for recyclable materials identified by the State or a political subdivision thereof. The term 'designation' includes bond covenants, official

statements, or other official financing documents issued by a political subdivision issuing an eligible bond in which it identified a specific waste management facility as being the subject of such bond and the requisite facility for receipt of municipal solid waste or recyclable materials generated within the jurisdictional boundaries of that political subdivision.

“(4) ELIGIBLE BOND.—The term ‘eligible bond’ means—

“(A) a revenue bond specifically to finance one or more designated waste management facilities, facilities for recyclable materials, or specifically and directly related assets, development or finance costs, as evidenced by the bond documents; or

“(B) a general obligation bond, the proceeds of which were used solely to finance one or more designated waste management facilities, facilities for recyclable materials, or specifically and directly related assets, development or finance costs, as evidenced by the bond documents.

“(5) FLOW CONTROL AUTHORITY.—The term ‘flow control authority’ means the authority to control the movement of municipal solid waste or voluntarily relinquished recyclable materials and direct such solid waste or voluntarily relinquished recyclable materials to one or more designated waste management facilities or facilities for recyclable materials within the boundaries of a State or within the boundaries of a political subdivision of a State, as in effect on May 16, 1994.

“(6) MUNICIPAL SOLID WASTE.—The term ‘municipal solid waste’ means any solid waste generated by the general public or by households, including single residences and multifamily residences, and from commercial, institutional, and industrial sources, to the extent such waste is essentially the same as waste normally generated by households or was collected and disposed of with other municipal solid waste as part of normal municipal solid waste collection services, consisting of paper, wood, yard waste, plastics, leather, rubber, and other combustible materials and noncombustible materials such as metal and glass, including residue remaining after recyclable materials have been separated from waste destined for disposal, and including waste material removed from a septic tank, seepage pit, or cesspool (other than from portable toilets), except that the term does not include any of the following:

“(A) Any waste identified or listed as a hazardous waste under section 3001 of this Act or waste regulated under the Toxic Substances Control Act.

“(B) Any waste, including contaminated soil and debris, resulting from—

“(i) response or remedial action taken under the Comprehensive Environmental Response, Compensation, and Liability Act of 1980,

“(ii) any corrective action taken under this Act, or

“(iii) any corrective action taken under any comparable State statute.

“(C) Construction and demolition debris.

“(D) Medical waste listed in section 11002 of this Act.

“(E) Industrial waste generated by manufacturing or industrial processes, including waste generated during scrap processing and scrap recycling.

“(F) Recyclable materials.

“(G) Sludge.

“(7) POLITICAL SUBDIVISION.—The term ‘political subdivision’ means a city, town, borough, county, parish, district, or public service authority or other public body created by or pursuant to State law with authority to present for sale an eligible bond or to exercise flow control authority.

“(8) RECYCLE AND RECYCLING.—The terms ‘recycle’ and ‘recycling’ mean—

“(A) any process which produces any material defined as ‘recycled’ under section 1004; and

“(B) any process by which materials are diverted, separated from, or separately managed from materials otherwise destined for disposal as solid waste, by collecting, sorting, or processing for use as raw materials or feedstocks in lieu of, or in addition to, virgin materials, including petroleum, in the manufacture of usable materials or products.

“(9) RECYCLABLE MATERIALS.—The term ‘recyclable materials’ means any materials that have been separated from waste otherwise destined for disposal (either at the source of the waste or at processing facilities) or that have been managed separately from waste destined for disposal, for the purpose of recycling, reclamation, composting of organic materials such as food and yard waste, or reuse (other than for the purpose of incineration). Such term includes scrap tires to be used in resource recovery.

“(10) WASTE MANAGEMENT FACILITY.—The term ‘waste management facility’ means any facility for separating, storing, transferring, treating, processing, combusting, or disposing of municipal solid waste.”.

(b) TABLE OF CONTENTS.—The table of contents for subtitle D of the Solid Waste Disposal Act is amended by adding the following new item after the item relating to section 4010:

“Sec. 4011. Congressional authorization of State and local government control over movement of municipal solid waste and recyclable materials.”.

The SPEAKER pro tempore (Mr. YOUNG of Florida). Pursuant to the rule, the gentleman from Virginia [Mr. BLILEY] will be recognized for 20 minutes, and the gentleman from Massachusetts [Mr. MARKEY] will be recognized for 20 minutes.

The Chair recognizes the gentleman from Virginia [Mr. BLILEY].

Mr. BLILEY. Mr. Speaker, I yield myself such time as I may consume.

(Mr. BLILEY asked and was given permission to revise and extend his remarks.)

Mr. BLILEY. Mr. Speaker, I rise in support of the resolution.

Mr. Speaker, this legislation authorizes flow control authority. That is, it authorizes State and local governments, rather than the people who transport the waste, to choose where waste generated within their borders is sent.

In its May 16, 1994, Carbone opinion, the Supreme Court ruled that the exercise of flow control violated the interstate commerce clause. The Court found that flow control was simply another in a long line of mechanisms burdening interstate commerce. Only Congress or its duly authorized designee can impose such restrictions.

In my view, this legislation is a necessary evil. In an arena where the private sector is perfectly capable of doing the job, it authorizes State and local government regulation over interstate commerce. Where the waste hauler could find a cheaper disposal site, or a closer disposal site, or a more environmentally sound disposal site, this legislation says that under certain conditions, the hauler would have to send that waste to another site chosen

by the government. That is contrary to my own views.

However, State and local governments across the country, in good faith reliance on the ability to exercise such regulation, entered into contracts and made billions of dollars worth of investment in waste facilities. Much of this investment is in the hands of investors who purchased bonds that could be at risk absent some congressional action. Taxpayers also face risk if the continued stability of these facilities and investments is not ensured. Hence this bill.

The road to the floor of the House of Representatives sometimes twists and turns in an unusual fashion. We dispense today with full committee consideration of this bill some 7 months after subcommittee markup. Following subcommittee markup last May, this legislation languished while the interested parties, primarily local government organizations and the waste industry, stared at each other in resolute disagreement. Only as the situation reached a dire stage for some bondholders and certain jurisdictions, including the State of New Jersey, did the parties open the window of opportunity. The Public Securities Association, along with Browning-Ferris Industries and Waste Management, approached the Committee on Commerce about negotiating a flow control agreement. We welcome their offer and facilitated their discussions.

After input from States, local governments, the waste industry, bondholder organizations and of course the Members of this body, the result is the legislation before us today. I am proud to hold a letter supporting this legislation from the National Association of Counties, WMX Technologies, the Solid Waste Association of North America, Browning Ferris Industries, the Public Securities Association, and Ogden Projects.

The principle driving this bill is that if you have bonded indebtedness issued prior to the date of the Carbone case, or if you entered into a contract prior to Carbone obligating you to provide a minimum quantity of waste to a particular facility or pay for the contract amount, then you can exercise flow control in the future for the life of the bond or the life of the contract. If not, the recourse for your facility is to become competitive in the marketplace.

There are a lot of situations across the country that we have sought to take care of within the context of this principle. Many that simply did not meet the test will find themselves in the same situation that private sector facilities have long been in: competing for business. Others may meet the test but were not brought to the committee's attention in time for consideration in today's bill. I am willing to work with Members to make sure that situations that meet the principle are not inadvertently left out.

Another issue also bears mentioning. Flow control has long been linked to

interstate waste in both the House and the Senate. This bill deals only with flow control. I am not opposed to moving interstate waste legislation through the Committee on Commerce and have committed to bring it up for a vote on February 28. However, that legislation was simply not ready for consideration today because of outstanding issues between waste importing and waste exporting States. I hope they can be resolved soon. I appreciate the forbearance of the many Members who selflessly have agreed to let this legislation go forward despite local issues so we can solve pressing problems in other States.

Mr. Speaker, I would also like to acknowledge the contribution of the many minority members who have been very interested in this issue and whose assistance is reflected in this legislation today.

Mr. Speaker, I urge adoption of the legislation, and I reserve the balance of my time.

Mr. MARKEY. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the question before this body today is whether to suspend the rules of the House in considering legislation which would grandfather flow control authority for certain local jurisdictions and waste management facilities. While I support flow control legislation, I do not believe this is an appropriate bill for consideration under procedures which circumvent the committee process.

In bringing up the flow control bill on the suspension calendar, there has been a serious breach of the normal legislative flow control. Without explanation, we have bypassed the normal full committee markup process and denied members of the Committee on Commerce their opportunity to offer amendments to this legislation.

The Subcommittee on Commerce, Trade, and Hazardous Materials reported a flow control bill, H.R. 2323, on May 18 of last year. H.R. 2323, which also contains provisions addressing the issue of allowing States and local governments to limit receipt of out-of-State municipal waste, has been languishing before the full Committee on Commerce for the last 6 months. No full committee markup of the bill has ever been scheduled.

The language before us today was only introduced as a bill this morning. In fact, the bill which we have is marked "12:20," at 12:20 this afternoon. It is now 2:20 in the afternoon. For 2 hours we have had the bill and the bill itself has been changed from the last version which we saw.

Mr. Speaker, that is wrong, just from a procedure perspective, in terms of what all Members are owed as procedural due process in the notice of important substantive changes in legislation. It contains provisions that were not agreed to by the minority, and it deletes the interstate waste language.

Reportedly, this new bill was negotiated downtown between special inter-

ests who did not favor the subcommittee-reported bill apparently lacked the votes at full committee in order to weaken it. So as a result, it has been weakened in the Committee on Rules, with no public notice, with no debate, and with all Members now expected to vote upon legislation which has not gone through the traditional legislative committee process.

In addition to the substantive changes made in the flow control language, the bill has also delinked flow control from the interstate waste legislation. This creates serious problems for many Members who are concerned that their States and localities not become the dumping grounds for out-of-State waste.

In the past, the flow control and interstate waste bills have always been linked together in the same legislation. In the 103d Congress, for example, a flow control/interstate waste bill was considered by this body under an open rule that allowed Members to offer amendments where the will of the Members could be fully expressed. The resulting product was approved by the House by unanimous consent. In this Congress, the Senate passed legislation which addresses both the flow control and interstate waste issues.

Delinking these two issues, as is being proposed today, means that we may not have any interstate waste legislation this year, despite the fact that 23 Governors have called for such legislation.

I must object, therefore, Mr. Speaker, to consideration of this bill today under suspension of the rules. The bill before us is controversial, and maybe Members have been denied their opportunity to offer amendments as a result of this procedure. I urge the Members to oppose the motion to suspend the rules of the House so we can defeat this legislation.

Mr. Speaker, I reserve the balance of my time.

Mr. BLILEY. Mr. Speaker, I yield myself 30 seconds, to answer the gentleman from Massachusetts.

Mr. Speaker, the bill was introduced and it is in the RECORD for Friday. Yes, it was changed today to insert two provisions for the benefit of the ranking minority member of the full committee. One deleted the so-called double-dipping language, and the other was to insert a central Wayne County fix, so I wanted to clear up that misunderstanding.

Mr. Speaker, I yield 1 minute to the gentleman from Minnesota [Mr. MINGE].

(Mr. MINGE asked and was given permission to revise and extend his remarks.)

Mr. MINGE. Mr. Speaker, the flow-control legislation we are considering this afternoon, from the perspective of many of us, ought to be written differently, but one thing that I have noticed in my short legislative career, congressional career, is that it is almost impossible to move legislation

through this body and through the Senate in a form that each of us feels is going to take care of every problem that is faced by our constituents.

In the last session of Congress, indeed, we did pass flow-control legislation in the House of Representatives. It was passed in the Senate, but due to the lateness of the hour, the legislation languished and it never was brought back to both Chambers for final approval.

Mr. Speaker, I urge that we favorably report out this proposal today so that the process may move forward, so that a conference committee can be appointed, so that the differences between the House and Senate provisions can be reconciled, and ultimate legislation which serves the needs of our country can be passed by this institution.

Mr. MARKEY. Mr. Speaker, I yield such time as he may consume to the gentleman from Michigan [Mr. BONIOR].

Mr. BONIOR. Mr. Speaker, I thank my colleague for yielding time to me.

Mr. Speaker, let me just begin by saying that I think there is broad bipartisan agreement for supporting a flow-control bill. I am all for it. I regret that the coming together of sides on this issue as it relates to not only flow control but the interstate waste bill has been so late in developing as we come to the floor, because there are, frankly, folks who are not here today who have a real stake and a real interest in this legislation who I would like to have consulted with.

Mr. Speaker, I am also for a bill that gives our local governments the ability to prohibit out-of-State from being dumped into our communities. I, along with the gentleman from Michigan, FRED UPTON, and the gentleman from Ohio, MIKE OXLEY, and a whole host of other people on the other side of the aisle, the gentleman from Virginia, Mr. BOUCHER, and many others on our side of the aisle have been fighting for this now for a number of years, and we have come within a whisker of having this accomplished over the last two Congresses. We do not want the opportunity to go by without having our full say.

Mr. Speaker, we are willing to work with Members on both sides of the aisle to get this done; in fact, to get both done, the flow control as well as the out-of-State. It appears right now, Mr. Speaker, and I am still talking with folks, that the out-of-State provisions fall a little bit short here. By not addressing the out-of-State-issue, as has been mentioned by the gentleman from Massachusetts [Mr. MARKEY], on the floor of this House, or in committee, for that matter, in the House, Members on both sides of the aisle are limited in their negotiating ability once this goes to conference.

I am concerned about that, because the Senate bill that deals with out-of-State is not as environmentally strong as, frankly, some of us would like it to

be. The House provisions that we have had over the years, and which we seek to have come before the House today which would give more autonomy to local units of government, as opposed to having the say on what can come into the State in terms of out-of-State waste controlled by the Governor.

Further, the 11th-hour negotiations still going on among many parties involved in this issue I think clearly shows that this may not be the best way to handle this in terms of the suspension calendar, although there is an advantage to doing it that way, and the gentleman from Virginia [Mr. BLILEY], and I talked about that a little earlier today. I recognize parts of the procedural advantages.

□ 1430

But it does shut out a lot of folks, and that is somewhat troubling to me.

I would hope that we would be able to have an honest debate on this. This is a big issue. This affects all of our districts; it is one of the key environmental votes that we will have probably this Congress. It deals with how we are going to deal with our waste in this country.

It seems to me that the proper role for local and State governments in solid waste management really hinges upon the full participation, not just the narrow participation, of the Representatives from those individual States in this body. We want to work together to open up the process and give all of the States in this debate an opportunity to be heard.

So, Mr. Speaker, let me reserve my comments at this point and say to my friends on both sides of the aisle, I hope we can continue to have some good discussions on this, although I am rather troubled by the procedure under which we are working here this afternoon.

I thank my colleague from Massachusetts for yielding me the time.

Mr. BLILEY. Mr. Speaker, I yield 3 minutes to the gentleman from Ohio [Mr. OXLEY], chairman of the Subcommittee on Commerce, Trade, and Hazardous Materials, who has put endless hours in on this subject.

(Mr. OXLEY asked and was given permission to revise and extend his remarks.)

Mr. OXLEY. I thank the gentleman for yielding me this time.

Mr. Speaker, the issues of flow control and interstate waste have vexed this Congress for the last several years. I believe that it has been proper all along to consider these issues in tandem, because they both speak to how responsibly we, as a society, manage the disposal of solid waste.

Some communities find themselves in desperate financial condition because of the Supreme Court's Carbone decision that struck down flow control. These communities sold bonds to investors in good faith, and are relying on limited flow-control power to pay them back. There is a need for Congress to act with dispatch in order to provide legitimate relief.

Not everyone will agree with the bill in front of us today. Some people wanted a broader bill, others, no bill at all. But this bill sends a clear signal that obligations will be honored.

A great controversy has arisen over the last few days over the decision to move this flow bill before the House arrived at a position on interstate waste legislation, which is equally as important to importing States like Ohio. Frankly, I was prepared to oppose the decision to divorce the two titles, especially since they were approved by my subcommittee on a voice vote.

Adding to the anxiety of importing States were recent statements that the move to split the two bills would have killed any interstate legislation this year.

I have received assurances, however, that in approving this flow-control bill that we will be able to conference interstate waste with the Senate. I had a productive discussion with Rules Chairman JERRY SOLOMON this morning. I would expect that the concerns of importing States will be adequately and forcefully represented in conference. Meantime, I have encouraged the Governors of the affected States to meet and to try to reach an agreement on the issues. We need to have direct participation by all Governors with an interest in this. The National Governors Association meeting coming up soon will allow the Governors to have face-to-face discussions on this issue.

Again, I will give support to this flow-control bill only having been assured by key players in the debate that interstate waste legislation will be addressed and that the concerns of importing States, which have fallen on deaf ears in recent years, will be resolved.

I want to pay special thanks to the full committee chairman, the gentleman from Virginia [Mr. BLILEY], for providing an opportunity for those States who are importing States to actually get to conference on this important issue. I think all of us share the goal of getting to a conference and getting to agreement on this important issue, involving the Governors and all of the Members from the affected States.

Please remember that 23 Governors have signed a letter in support of the legislation that passed out of my subcommittee on a unanimous voice vote. There is strong support out there for reasonable interstate waste provisions in the statute, coupled with flow control. I ask the Members to support this important move forward as we get into a conference committee.

Mr. MARKEY. Mr. Speaker, I yield 2½ minutes to the gentleman from Ohio [Mr. BROWN].

Mr. BROWN of Ohio. Mr. Speaker, I rise in opposition to H. Res. 349 for a couple of reasons. Part of it is that this legislation does not at all resemble what the subcommittee worked on for this bill, and the problems that the subcommittee addressed.

Even more to the point, and I have great respect for my friend from Virginia, the chairman of the Committee on Commerce, Mr. BLILEY, this legislation was introduced only 2 hours ago, as the gentleman from Massachusetts, Mr. MARKEY, said.

This legislation clearly does not deal with many of the problems that a lot of districts and a lot of taxpayers have around this country. Putting this legislation forward after being introduced only 2 hours ago, having no hearings on this bill, reminds us of the way that these committees and this Congress have dealt on issues like Medicare and Medicaid, where there might be a hearing, there might not be a hearing, the vote comes to the floor, we vote it up or down without people reading the bill, without people understanding what we are voting on.

In district after district in this country taxpayers will be left out in the cold, instead of, for example, in my district in Medina County, OH, instead of issuing bonds to construct its facilities, Medina County entered into an \$8 million cooperative loan agreement with the Ohio Water Development Authority.

Taxpayers in Medina County will lose, will be left out in the cold because of this bill, the way this bill is written.

Mr. OXLEY. Mr. Speaker, will the gentleman yield?

Mr. BROWN of Ohio. I yield to the gentleman from Ohio.

Mr. OXLEY. Mr. Speaker, let me say that I appreciate the problems of Medina County. My home county has a similar kind of situation where they actually save the money to develop a landfill and then use that to initiate flow control. They did it very responsibly. They are unfortunately not covered under this particular version, and that is why it is important for us to get to conference on this issue so that we can vent these issues and have them determined.

I am on the gentleman's side on this issue, and I understand where he is coming from, but we cannot get this problem solved unless we get to conference, and that is what this procedure is all about.

Mr. BROWN of Ohio. Mr. Speaker, my friend from Ohio is actually my mother's Congressman, but she taught me a long time ago that I should take care of a problem when it is there. I do not think that the kind of back-room deals that were made in this bill with lobbyists and special interests writing these bills, whether it is Superfund or Medicare or this legislation, that we really want to just say, trust us, we will take care of it in conference committee.

People in Medina County stand to lose \$8 million under this bill. People in Arkansas and people in Virginia and people of this country stand to lose lots of taxpayers' dollars. We should protect their investment, take the bill back to committee, have hearings, let us write a good bipartisan piece of legislation.

Mr. BLILEY. Mr. Speaker, I yield 2 minutes to the gentleman from New York [Mr. SOLOMON], the chairman of the Committee on Rules.

Mr. SOLOMON. Mr. Speaker, I thank the gentleman for yielding me this time.

I do not know whether the previous speaker is worried about the taxpayers paying. I will tell the gentleman something: If this bill does not become law, the taxpayers are going to pay through the nose, and that is why I am here supporting this legislation. I have counties like Dutchess County in upstate New York that have already been obligated to bonds that have to be paid off by the taxpayers unless we are able to get this kind of legislation through.

Let us just say that we have people on both sides of this. The only way we are ever going to settle it, and the gentleman from Ohio [Mr. OXLEY] has alluded to it, is to pass this piece of legislation, then go to conference with the Senate on the interstate waste, which is a very important piece of legislation.

Once we are there, we have major Governors around this country who are concerned about this. Let us let Governor Pataki of New York, Governor Engler of Michigan, Governor Ridge of Pennsylvania, and Governor Voinovich of Ohio, let us let them sit down, work out these differences and then bring it back. I will commit, as chairman of the Committee on Rules, that when they have worked out their differences, let them come back here, and we will then bring this conference report to the floor and we will pass both the interstate waste, which is very important, as well as this flow control bill, which is extremely important, because if we do not, the taxpayers are going to pay through the nose, and we cannot let that happen.

Mr. MARKEY. Mr. Speaker, I yield 2 minutes to the gentleman from Virginia [Mr. PICKETT].

Mr. PICKETT. I thank the gentleman for yielding me the time.

Mr. Speaker, I rise in strong opposition to the municipal solid waste flow control legislation being offered today. It will have a dramatically adverse financial impact on the municipal governments I represent and it is a blatant repudiation of the principle of "no unfunded mandates."

Late in the 1970's in the absence of any private alternative, eight municipal governments in my region joined together to create the Southeastern Public Service Authority of Virginia to manage, in an environmentally sound way, the rising volume of solid waste. In adopting this comprehensive waste management program, the participating communities all executed contracts prior to 1985 committing to dispose of their municipal solid waste to the authority. To construct the plant to convert the solid waste to energy for sale, the authority issued bonds that now amount to \$275 million. In addition to guaranteeing the bonds, the municipalities are obligated by their contract

with the authority to dispose of their solid waste to the authority and the authority is obligated under contract to deliver energy.

This legislation before us will destroy this established and operating environmentally sound regional waste management system, undermine the value of the bonds issued by the authority, impose additional financial burden and hardship on the participating municipalities, and create a new avenue of intrusion by the Federal Government into a purely State and local governmental activity.

This bill has been brought to the floor under a procedure that circumvents the committee process and precludes Members from offering amendments to protect their communities from financial distress. I urge Members to reject the flawed process under which we are considering this legislation and to vigorously oppose the flow control bill that is before us today.

Mr. BLILEY. Mr. Speaker, I yield 2 minutes to the gentleman from New Jersey [Mr. SMITH].

Mr. SMITH of New Jersey. Mr. Speaker, Let me begin by thanking Chairman TOM BLILEY for truly going the extra mile today; for his willingness to understand and address issues that are so vital to some of our States. I especially want to thank Mr. BLILEY for the statesmanlike approach embodied in this compromise in meeting the legitimate needs of our colleagues intent on restricting the flow of waste into their States. And special thanks to Chairman MIKE OXLEY—in the House no one has worked as tenaciously as he on interstate waste legislation. And finally, special thanks to Chairman JERRY SOLOMON, who has worked hard to facilitate this bill.

After 20 months of toil and good faith compromises by all sides of the issue, we are here today with a modest, extremely narrow, rescue bill for locales throughout the country who have waste management systems predicated on flow control and tied to public debt.

Over \$20 billion of public bonds and obligations of local communities and investors are today in grave jeopardy and desperately need this solution we are proposing. Our local governments—charged with managing their waste—are in desperate situations warranting immediate action.

The festering crisis dictates that we wait no more and fast-track this emergency debt protection remedy.

For communities across the country—who saw a legislative remedy vanish in the waning hours of the 103d Congress, a casualty of a failed UC request in the Senate—this is their only hope.

Make no mistake, this legislation does not establish a broad authority for flow control. Instead it prescribes a narrow grant of authority and phases out of such activity allowing communities to make a smooth transition and ensuring that investments in public projects do not go belly up.

Under the bill flow control is permitted for the limited purpose of paying off outstanding bonds and that is it. According to the EPA, less than 20 percent—one-fifth—of the solid waste market is expected to receive some type of protection under this flow control bill. And as each day passes, and municipalities pay off their bonds, this small share of the market will continue to diminish until it reaches zero.

No one likes it when rules of the game change in midstream.

The Carbone decision vitiated waste flow authority after States and local governments had devised comprehensive waste management plans—at the behest of the Federal Government—which relied on that authority to make the plan economically viable. In other words, decisions were made and funds expended or obligated based on assumptions that disappeared on May 16, 1994—the date the Carbone opinion was handed down.

In the post-Carbone world, communities still have the responsibility to manage garbage—that is: collect, treat, and dispose of it—but some may no longer have the tools to carry it out efficiently.

Flow control has been a difficult issue for the past 2 years because local governments and private industry have different opinions on how much of flow control is a good thing. State and local government organizations have historically supported the continuation of flow control authority as an important prerogative of State and local government and the best tool for safe and environmentally sound disposal of garbage. Members of the private waste industry believe there should be no constraints on the movement of waste.

The bill before us today has opted for the private enterprise position—prohibiting any future flow control. The bill is drafted as an extremely narrow grandfather—allowing flow control only in jurisdictions that exercised it, designated the waste facility to receive the waste, and sold bonds—or executed put-or-pay contracts—to finance the facility—all prior to the Carbone decision. And once the bonds are paid off, with the narrow exception of retrofits mandated under the Clean Air Act, flow control ends forever.

Importantly, because these flow control provisions are so narrow, they have achieved support from significant stakeholders on this issue: the national organizations representing State and local government interests, such as the National Association of Counties and the Solid Waste Association of North America; major companies from the waste industry, such as Waste Management Technologies, Inc. and Browning Ferris Industries; and the Public Securities Association, representing the concerns of bond holders and issuers. While all of them have a different bill of perfection in mind, they have reached a compromise that they can live with.

The situation in my home county of Mercer illustrates how urgent the situation is.

At present, Mercer has incurred debt obligations of over \$189 million to finance the project, with approximately \$100 million more needed for completion of the project.

Carbone has put the entire undertaking on the shelf and costs to build the waste-to-energy facility have increased by over \$4 million. Accordingly to Mercer County executive, Bob Prunetti, each day of irresolution of this issue costs an additional \$20,000 per day.

In the 20 months that we have been debating the perfect flow control and interstate provisions, Mercer County's bonds have been downgraded and, last week on January 25, permits for the construction of our facility expired. The authority has petitioned the New Jersey State Department of Environmental Protection for an extension of this permit. It is unclear, at this time, whether or not there is precedence for such an extension.

My State with our landfills nearing full capacity and with more than 2.1 million tons exported per year to other States has attempted to act responsibly and earnestly to resolve our waste disposal problems and become self-sufficient. My county of Mercer exports 300,000 tons to Bucks County, PA, just across the river.

If we are able to proceed with our waste-to-energy project at least 220,000 tons of municipal solid waste will stay in Mercer County to be incinerated. That, it seems to me, nips the problem at the source.

And let me remind Members that self-sufficiency has been our goal for 20 years and flow control was—is—the requisite to achieving that goal. Nearly two decades ago, the State of New Jersey took the initiative to limit its exports on its own. The State's comprehensive solid waste management plan is meant to achieve self-sufficiency by the year 2000. But the plan hinges on the use of limited flow control—without it, it just ain't gonna' happen. And worse, our 2.1 million tons of cross-State waste will only increase.

Mercer's bond downgrading has not been unique. Other communities around the Nation especially Pennsylvania, Florida, California, New York, New Hampshire, and Illinois have had their credit ratings downgraded or have been put on credit watch because they have lost the ability to flow control.

Mr. Speaker, Members of Congress anxious to pass tough interstate restrictions on the transport of garbage, take note: I respectfully submit this is your opportunity to advance that prospect since you will get your day in conference with this legislation. Yet, I am here to tell you that passage of flow control authority by this Congress—temporarily delinked from interstate—will only help alleviate the need to export garbage.

The Environmental Protection Agency's [EPA] study on flow control, re-

leased last year unequivocally states that: "Flow control is one mechanism that State and local governments can use to foster development of in-State capacity to manage municipal solid waste."

To my friends who are disappointed that the interstate provisions will be considered on a day other than today let me say that I have no qualms with limiting interstate waste. There is a symbolic relationship, however that should not be overlooked. If the goal of my friends in the Midwest and Pennsylvania is to ban the interstate transport of waste, then by all means you should support efforts to allow States to flow control waste within their own borders. This, of course, will diminish the urgency to transport garbage outside of the State.

In closing, Mr. Speaker, I remind our colleagues that the clock is ticking. I am hopeful that like the Senate, this body will now move on a proposal that offers real relief to communities in debt.

□ 1445

Mr. MARKEY. Mr. Speaker, I yield 2 minutes to the gentlewoman from Arkansas [Mrs. LINCOLN].

Mrs. LINCOLN. Mr. Speaker, I thank the gentleman for yielding me the time.

Mr. Speaker, I rise in strong opposition to this process as well as to the final product that has come before the floor. With all due respect to Chairman OXLEY, this is not the package we passed out of subcommittee, that we debated and we came to a compromise and conclusion on. The fact is that it is our responsibility in this House to do a good job on behalf of our constituents, to take to a conference a position that is good for them.

With all due respect to the gentleman from New Jersey [Mr. SMITH] and the gentleman from New York [Mr. SOLOMON], who speak of their communities who are in such danger, who have leveraged bonds, we have communities just like that. I have communities just like that. However, mine does not get a special fix in this bill, and it is very important for us to go to the drawing board and look at what is fair to everyone.

I am absolutely amazed and disturbed that a bill such as the one we are considering today is being considered on the Suspension Calendar. This bill is not the product of Member negotiations, it is not the product of committee consideration, and it is not the product of the administration. However, it is a product of many interests downtown who have drafted a bill without Member input.

As a Member who is supportive of flow control legislation and supportive of our communities in their efforts to effectively manage their solid waste, I urge a "no" vote on the bill we are considering today. While this legislation does help some of the communities out there, it does not protect legitimate fi-

nancial obligations incurred by many of our communities.

I also urge a "no" vote on this bill because the whole legislative process has been circumvented. The Subcommittee on Commerce, Trade and Hazardous Materials held a markup in May where amendments were adopted. The subcommittee-passed bill is now probably in one of those landfills out in the Midwest. What we are working on now is a piece of legislation that no Member has voted on, let alone seen or examined.

The Suspension Calendar is a mechanism by which the House can consider relatively noncontroversial issues that have broad bipartisan support. This flow control legislation is not a worthwhile candidate for such consideration.

This bill is controversial, not so much for what it contains but rather for what it does not contain. It does not contain relief for many communities holding legitimate debt, and it does not contain interstate waste provisions.

It is our responsibility in this House to take care of those issues and then move it to conference. I urge a "no" vote on this bill.

Mr. BLILEY. Mr. Speaker, I yield 30 seconds to the gentleman from New Jersey [Mr. SMITH].

Mr. SMITH of New Jersey. I thank the gentleman for yielding me the time.

Mr. Speaker, I would ask the gentlewoman if she would just respond. Again, I am a proponent of prospective flow control. We did not win that one. We tried hard. There are a sufficient number of Members who disagree with that that we were unable to get that in there.

The compromise that is struck here says that anybody who obligated funds, expended funds, or sold bonds prior to the Carbone decision on May 16, 1994, they are included, they are grandfathered. It is my understanding that those in your locale did so after the fact, after Carbone had been handed down.

Mr. MARKEY. Mr. Speaker, I yield 30 seconds to the gentlewoman from Arkansas [Mrs. LINCOLN].

Mrs. LINCOLN. I thank the gentleman for yielding me the time.

Mr. Speaker, for those communities that did extend those bonds, they did so under the understanding that Congress was taking up that issue last year and the year before with the idea that these communities could be protected. They have extended their livelihood in those communities, their tax dollars and their resources, and many of the other communities, some of which have already been considered in this bill, did make those decisions after Carbone.

Mr. BLILEY. Mr. Speaker, I yield 1 minute to the gentleman from New York [Mr. WALSH].

Mr. WALSH. Mr. Speaker, I thank the chairman for his leadership on this. I would also like to thank the gentleman from Ohio, Chairman OXLEY,

for his allowing this bill to get to the floor.

Mr. Speaker, this afternoon the House of Representatives works toward passage of flow control legislation with bipartisan support. The legislation is a fair compromise that would grandfather facilities designated prior to the 1994 Supreme Court decision, but phases out flow control as financial obligations expire.

For example, this bill will protect the local government in Onondaga County to have the right to control the flow of municipal solid waste for financing their waste-to-energy plant and integrated waste program. Without such control, which had been put at risk by the Supreme Court ruling, the county would have been without sufficient cash flow to repay \$180 million in bonds which provided funding for the plant.

It is also very good news for taxpayers in central New York. Without the legislation, the county's credit rating could have been negatively affected for future bonding and all future public works projects put at risk.

In addition, flow control is pro-environment—despite rhetoric to the contrary. If every municipality adopted a comprehensive solid waste program, they could handle their waste locally and not ship their garbage to other States. Our county's recycling program has received national recognition and awards for recycling over one-third of our waste stream. The community also benefits from the sale of electricity produced by the waste-to-energy facility.

Working closely with Onondaga County officials, my colleagues in the New York delegation and the Commerce Committee, we were able to develop an excellent bill. This is the kind of cooperation between local and Federal Government that helps communities solve problems, and I urge my colleagues to support passage.

Mr. MARKEY. Mr. Speaker, I yield 1½ minutes to the gentleman from Virginia [Mr. SISISKY].

(Mr. SISISKY asked and was given permission to revise and extend his remarks.)

Mr. SISISKY. I thank the gentleman for yielding me the time.

Mr. Speaker, I rise today in opposition to this bill, and to the procedure under which the bill is being considered.

The measure we are considering today, while well intentioned, is incomplete.

This bill grandfathers the previous flow control arrangements of many communities.

Unfortunately, the Hampton Roads communities of southeast Virginia were not grandfathered in this bill.

That's not fair.

These eight communities came together in the 1970's to create the Southeastern Public Service Authority of Virginia or SPSA.

Now, like so many other localities, they are burdened with long-term bond debt.

In SPSA's case, there is \$275 million in bond debt due by 2018.

The cities and towns who are served by SPSA need to be grandfathered in this bill so they can pay their debt.

If you vote to pass this bill, you are legislating against some communities while you help others.

Like all of you, I have a responsibility to the people I represent, and the communities in which they live.

Under this procedure, I cannot do that.

Mr. Speaker, I urge my colleagues to vote against this measure so we can make sure that all of our people can receive the same consideration. I do not think that is too much to ask. Under the procedures that this bill came under, it seems to me the plausible thing to do.

Mr. BLILEY. Mr. Speaker, I yield 1 minute to the gentleman from New York [Mr. BOEHLERT].

(Mr. BOEHLERT asked and was given permission to revise and extend his remarks.)

Mr. BOEHLERT. Mr. Speaker, I rise in strong support of this bill, and I want to thank Chairman BLILEY for the outstanding work that he has overseen as we have come to develop a bill that has earned strong bipartisan support.

This bill is very important to me for a whole lot of reasons, but basic among those is that it will save taxpayers in my district an untold amount of money. Without this measure, three solid waste authorities in my district would be unable to pay off the bonds that they have issued without unsustainable tax increases. The people and their representatives from Oneida, Herkimer, Otsego, Montgomery, Schoharie and Madison Counties acted in good faith when they sold bonds in that manner. Now they will be able to have the waste stream they need to guarantee the operation of their facilities and to be able to pay off those bonds.

I want to thank the solid waste authorities in my district for doing such a good job of educating me and my colleagues so that we would know how important it is to pass this very important flow control legislation. I urge my colleagues to support the measure.

Mr. MARKEY. Mr. Speaker, I yield myself such time as I may consume, and it is most likely with the intention of closing debate at this particular point in time.

Mr. Speaker, this is a very simple issue at this point. It is not really substantive. It is a question of whether or not we are going to have a proper use of the procedures of the House in order to deal with a very important piece of legislation which for the past 3½ years has been considered in the Committee on Commerce. Again, in the last session of Congress we dealt with this issue, we dealt with it on a bipartisan basis and we dealt with it in a comprehensive fashion.

This bill is being dealt with on a piecemeal basis and in a partisan fashion.

That is not necessary. We are being promised here on the floor that if we foreswear our concern legislatively for the interstate aspects of this bill, and, by the way, what could be more important to the States in the Midwest than how much waste is going to come into their States from other States? The States of New York and New Jersey, they are basically adopting Horace Greeley's philosophy, which is, "Go west, trash deliverer, go west." That is the philosophy.

Mr. Speaker, the bottom line here is that we have no guarantees, none at all. If we do not deal with this interstate issue and if the Senate acts on it, which we hope that it does—we are not sure that it does—we are ceding our legislative responsibility to the Senate—something which I find to be highly undesirable generally given their overall conduct—that we should in fact deal with these issues ourselves. However, if in fact they deal with this interstate issue and they send it back, we are going to be dependent upon the Rules Committee to determine whether or not this issue is within the scope of the bill, given the fact that the House never in fact acted upon it.

If the gentleman from New York, the chairman of the Rules Committee, would get up and promise us that that bill will come out on the floor, no matter what, it will be out here on the floor, dealing with interstate waste, then that will give us all a lot more comfort. However, if that is not the case, we are going to be like Lucy holding the football for Charlie Brown. They are holding the ball for us right now, run up to the football, but at the end of the day, and I mean April or May when the bill comes back, we are not sure that the Rules Committee will ever allow an interstate bill to come out here.

This is our opportunity to act. Vote "no." Force this process, this House of Representatives, to produce a bill that deals with both aspects of this problem, and then we can go to the conference committee with the Senate with all of the cards on the table and a guarantee that the issues of the Midwest, the issues of all those States that might ultimately become the home to this waste, are dealt with properly.

That is my message to the House today, that a vote "no" on this issue guarantees that we will get a good and comprehensive bill dealing with all aspects of this legislation.

Mr. OXLEY. Mr. Speaker, will the gentleman yield?

Mr. MARKEY. I yield to the gentleman from Ohio.

Mr. OXLEY. Mr. Speaker, I thank my friend for yielding.

Please remember on the separate issue we have a letter from 23 Governors supporting interstate language. There is no way in the world that a conference committee will come back with anything less than a bill that will deal with interstate commerce.

Mr. MARKEY. I respect the work the gentleman has done. The gentleman

did good work at the subcommittee. I supported the gentleman's work. It should have come through the full committee and out here on the floor in a comprehensive way. We should not cede our responsibilities to the Senate.

Mr. BLILEY. Mr. Speaker, I yield 1 minute to the gentleman from Michigan [Mr. UPTON].

(Mr. UPTON asked and was given permission to revise and extend his remarks.)

Mr. UPTON. Mr. Speaker, I thank very much the diligent work of our chairman of the full committee and subcommittee, the gentleman from Virginia [Mr. BLILEY], and the gentleman from Ohio [Mr. OXLEY]. This is a very tough and complex issue, flow control and interstate waste.

There has always been a fear, particularly from those of us in the Midwest, that one might pass without the other. Frankly, I was prepared to vote against this bill under suspension, in fact signed a bipartisan "Dear Colleague" letter with a number of my colleagues asking us all to do so. But today's assurance that the Governors of the impacted States will in fact help forge an agreement that is acceptable to all of us helps resolve my goal of making sure that we will not see unfair control of interstate waste legislation move forward unless they in fact are dealt with together.

□ 1500

I accept Rules Committee Chairman SOLOMON's pledge of cooperation in working this out. In fact, I am going to go back to all of my colleagues to make sure that when this conference report comes out that it will be an acceptable bill.

Out-of-State waste is a very important issue.

Our landfills will fill up years ahead of schedule because cities like Chicago, New York, and Boston churn out garbage faster than they can deal with it.

Interstate waste is an important tool. It allows States the ability to limit garbage that crosses my borders. My State should not be forced to accept other people's garbage. Michigan isn't a dumping ground for other States' mistakes.

Michigan has had the foresight to develop a plan to dispose of our waste. We are now being forced to deal with garbage from States who haven't.

I make no apologies—frankly, New York City, Boston, Chicago, your garbage isn't our problem.

"We Recycle"—it says so right on the blue trash cans in my office. I've got to separate white paper from wet trash, glass from cardboard. But the Federal Government doesn't afford my communities with this luxury.

Michigan communities shouldn't be forced to clog up their landfills with trash from cities hundreds of miles away. When it comes to dumping in landfills, it all gets thrown into the mix—Kalamazoo's, New York City's, Benton Harbor's, and Boston's—Michigan couldn't bar any State from dumping trash on us—until now.

In a recent letter sent to Speaker GINGRICH, Michigan Governor John Engler and several

other Midwest Governors wrote "Citizens constantly ask us why they should recycle in order to conserve space for other States' trash. We need assurances that we can conserve landfill space for our own State's disposal needs."

Governor, you got your assurance today.

Mr. Speaker, I include for the RECORD the following letter:

STATE OF OHIO, STATE OF MICHIGAN,
STATE OF INDIANA, COMMON-
WEALTH OF PENNSYLVANIA,

January 25, 1996.

Hon. NEWT GINGRICH,
Speaker, House of Representatives,
Washington, DC.

DEAR MR. SPEAKER: We are writing to express our opposition to considering a flow control bill on the House floor under suspension of the rules without the inclusion of interstate waste provisions. As governors of states that have been receiving considerable amounts of out-of-state waste, we feel it is essential that the House move interstate waste and flow control together as one bill.

As you know, 23 governors wrote you in June to express strong support for the interstate waste provisions in H.R. 2323, the State and Local Government Interstate Waste Control Act of 1995, introduced by Congressman Mike Oxley and passed by the Subcommittee on Commerce, Trade and Hazardous Materials in May.

For too long, states have had only limited ability to place restrictions on shipments of municipal waste across state lines. Although mandated by federal law to develop comprehensive waste management plans, states' efforts to enforce their own planning rules have been overturned repeatedly by the federal courts. Lacking specific delegation of authority from Congress, states that have acted responsibly to implement environmentally sound waste disposal plans and recycling programs are still being subjected to a flood of out-of-state trash.

We are not asking for outright authority to prohibit all out-of-state waste. We are asking Congress to provide state and local governments with the tools they need to manage their own waste and limit waste from other states. Any proposal to grant specific flow control authorities, therefore, should not be considered without also including these essential interstate waste provisions.

We strongly believe that Congressman Oxley's interstate waste provisions address many of our concerns. Twenty-three governors and the Western Governors' Association have supported the interstate waste provisions in this bill and seek two strengthening amendments. One would allow states to place a percentage limit on the amount of out-of-state waste that can be received at new facilities or major modifications of existing facilities. The other would allow states to authorize the collection of a \$1-per-ton surcharge on waste from other states.

H.R. 2323 would give large exporting states sufficient time to plan for the disposal of their own waste. It also would give those states that have acted responsibly to implement environmentally sound waste disposal and recycling plans assurance that they can save space within their borders for their own disposal needs.

In addition, we oppose any provisions that would prohibit interstate waste restrictions at facilities that are subject to flow control authorities. Such a provision would prohibit state and local governments that exercise flow control authorities from having the opportunity to accept or reject out-of-state waste shipments, and they could be forced to receive it unwillingly. We strongly believe

that one community should not be forced to accept other states' waste while another community has the opportunity to turn it away.

Again, we respectfully urge that interstate waste and flow control move together as one bill. By considering flow control separately, Congress would only address one side of the equation and would not give importing states the tools they need to limit the large amounts of waste crossing their borders.

Sincerely,

GEORGE V. VOINOVICH,
Governor of Ohio.

EVAN BAYH,
Governor of Indiana.

JOHN ENGLER,
Governor of Michigan.

TOM RIDGE,
Governor of Penn-
sylvania.

Mr. BLILEY. Mr. Speaker, I yield 30 seconds to the gentleman from Florida [Mr. DEUTSCH].

(Mr. DEUTSCH asked and was given permission to revise and extend his remarks.)

Mr. DEUTSCH. Mr. Speaker, I rise in support of the flow control legislation before us today.

This compromise bill is now limited in scope and duration, a culmination of several months of negotiation between public and private stakeholders. Most importantly, this compromise bill protects local communities and preserves our commitment to free-market competition in the solid waste industry.

Like many States, my State of Florida enacted a law requiring communities to manage their own waste, including a goal that 30 percent be recycled. My district, Dade County, invested nearly \$200 million so they could meet this challenge.

Mr. Speaker, Congress should not break up monopolies, but this legislation will not do that.

Mr. BLILEY. Mr. Speaker, I yield such time as he may consume to the gentleman from New Jersey [Mr. FRANKS].

(Mr. FRANKS of New Jersey asked and was given permission to revise and extend his remarks.)

Mr. FRANKS of New Jersey. Mr. Speaker, I rise in support of this vitally important measure and ask my statement become a part of the RECORD.

Mr. BLILEY. Mr. Speaker, I yield 1 minute to the gentleman from Pennsylvania [Mr. CLINGER], chairman of the Committee on Government Reform and Oversight.

Mr. CLINGER. Mr. Speaker, this is an issue that I have been involved with for 4 years as have most of the Members speaking on this issue today.

Frankly, I came to the floor prepared to vote against this measure, because of the real concern by dividing flow control from interstate garbage provisions, we were going to lose any consideration of interstate garbage. I am now told we have an extraordinary procedure involved here which will ensure that we will have a marriage of these two items before this thing comes back to the floor before it is ultimately resolved.

It is not as good as I would hope. I can assure you, given the concerns Pennsylvania has as the largest importer of interstate garbage in the country, that we could not possibly go for anything that does not include those provisions.

I am persuaded, however, we are probably not going to see either flow control or interstate garbage provisions unless some procedure such as this is adopted. I still have some skepticism. I can assure you I will be fighting very hard if this thing comes back without adequate provisions for interstate garbage. But given that fact, unless a concern we not get either, this moves the process forward.

Mr. BLILEY. Mr. Speaker, to close debate on our side, I yield the balance of my time, 1 minute, to the gentleman from Ohio [Mr. GILLMOR], a member of the committee.

Mr. GILLMOR. Mr. Speaker, I thank the gentleman for yielding time to me.

I rise in support of this legislation. Although it is not the legislation I would have preferred to see out here, I would have preferred to see something closer to what we are dealing with in the Committee on Commerce. But I do so in part because of the assurances that interstate waste is going to be considered as a part of this conference committee.

I supported both flow control legislation and interstate waste legislation, because they are, in fact, part and parcel of the same principle, and that principle is giving State and local government officials both the authority and the responsibility over waste management.

The coupling of these two issues is supported by Governors from liberal Democrats to conservative Republicans, and I rise in support of this with the hope that this will give us the opportunity to come back with a conference committee report that deals with both of these important issues in a satisfactory way.

Mr. MARTINI. Mr. Speaker, I would like to take this opportunity as a Member of the New Jersey delegation to speak on behalf of S. 534, the Flow Control Act. Mr. Speaker, I am going to support this bill with the understanding that it is going to address certain problematic situations that exist in my congressional district—namely, in Passaic and Essex Counties. This legislation is necessary for the protection of government entities who have operated in good faith under a State mandate for waste disposal. It would be unjust to both the taxpayers and the local entities if deregulation were to allow such law abiding local governments to default on their payment of debt.

Following the Clarkstown versus Carbone decision of 1994, in which the Supreme Court struck down a local ordinance directing the shipment of waste to a local waste facility, local governments throughout New Jersey have been greatly affected by this decision. New Jersey, in an attempt to responsibly deal with the disposal of waste, has invested in facilities with the expectation that their cost could be financed with revenues accumulated by directing local waste to those facilities. The

repayment of bonds depends on the practice of flow control. While I respect any decision passed down by the Supreme Court of the United States, I also respect the integrity of local governments that have in good faith supplied facilities to handle municipal solid waste.

The idea of grandfathering certain facilities that were in process when the Carbone decision was rendered should not even be in question. I feel that it is our duty to protect the taxpayers' investments in such facilities. The Public Securities Association recognizes that this is our duty and has voiced their support for the legislation.

It is also important to note the unique situation in the Garden State. New Jersey is the only State in our Nation in which all municipal solid waste is now flow controlled and has been flow controlled for over a decade. We must provide for preexisting arrangements of fiscally responsible local governments. The local entities in the eighth district of New Jersey should not be abandoned to default on several millions of dollars of outstanding bonds that support their waste program.

For example, Passaic County in my congressional district has in excess of \$80 million in outstanding bonds for transfer stations which deal with their waste. It is my understanding through my discussions with the Commerce Committee, as well as with Governor Whitman's office and Members of the New Jersey congressional delegation, transfer stations will be included among the in-state facilities whose debt will be protected. It is important to me that this legislation addresses the ability to pay all outstanding debt that is waste related, regardless of the particular nature of the waste facility.

Furthermore, it is my understanding through such discussions that localities that send municipal solid waste through in-state transfer stations prior to sending that waste out-of-state are clearly covered under this legislation. With that in mind, I will support this bill.

It is about time that we address the effect of the Carbone decision on local governments throughout the United States and protect the monetary commitments of those localities.

Mr. BLILEY. Mr. Speaker, through its constitutional authority to regulate interstate commerce and in response to the U.S. Supreme Court's Carbone decision, Congress sets forth in this legislation the limits and conditions on flow control authority. The impact on interstate commerce of the flow control authority exercised in conformance with the provisions of this legislation has been sanctioned by Congress and may not be challenged on commerce clause grounds.

The legislation further sanctions flow control authority exercised by a particular State or local government before enactment of this legislation, to the extent the exercise of that flow control authority is in conformance with the provisions of this legislation. Congressman NETHERCUTT and others have asked for clarification on this point. The intent of this sanctioning by Congress of previously exercised flow control authority is to end pending litigation in which such exercise of flow control authority has been challenged as unconstitutional on commerce clause grounds. However, the legislation makes clear that this congressional sanction does not apply in cases where a final judicial decision no longer subject to judicial review has declared, before enactment of this legislation, the specific exercise of flow

control authority by the State or local government to be unconstitutional. Of course, that same State or local government may exercise the flow control authority granted by this legislation after enactment of this legislation, if the State or local government meets the grandfather criteria set forth in the legislation.

STATEMENT ON USE OF FLOW CONTROL REVENUES

This compromise legislation limits the use of revenues derived from the exercise of flow control. Such revenues may only be used to repay the principal and interest on eligible bonds issued by a grandfathered community, to repay the principal and interest on bonds issued for qualified environmental retrofits of designated facilities, or to repay the financial obligations incurred by a community pursuant to certain contracts specified in the bill. However, to protect the viability of a community's investment in a designated facility financed by a bond, the legislation provides that all expenses necessary for its intended operation and proper maintenance, such as operation and maintenance expense of the other integral facilities, may also be paid with revenues derived from the exercise of the flow control authority.

STATEMENT ON SHAM RECYCLING

The legislation prohibits a community from exercising flow control authority over recycled materials unless such materials are voluntarily relinquished to the community by the generator or owner of the materials. The definition of recyclable materials in the legislation makes clear our intent that this prohibition is only to apply to materials that will be recycled, reclaimed, composted, or reused, and have been separated for these purposes from waste which is to be disposed. Our intent is to prevent sham recycling. Sham recycling occurs when an entity seeks to avoid a grandfathered community's exercise of flow control authority over a particular waste material by claiming that it intends to recycle the material but does not actually recycle, or recycles only very minimally, with the intent to dispose of the material at a non-flow controlled facility.

Mrs. KELLY. Mr. Speaker, I rise in strong support of S. 534, legislation to reestablish a modest degree of local flow control for the disposal of municipal solid waste. The bill seeks to preserve local flow control authority for communities which had such rules in effect prior to the Supreme Court's Carbone decision in 1994.

Mr. Speaker, Dutchess County, New York offers a good example of the desperate need to pass flow control legislation. The Dutchess County Resource Recovery Agency runs a waste-to-energy and recycling facility that was constructed with the belief that a steady stream of waste—and revenue—would be available to meet the financial obligations incurred by the county.

However, the Supreme Court's Carbone decision invalidated local flow control ordinances under the view that they violate the interstate commerce clause of the Constitution. Since that time, revenue streams and the bond ratings for waste facilities have fallen off.

In New York State alone, over \$1.2 billion in public debt for solid waste management facilities and programs is threatened unless this can be resolved—\$43 million of that debt was incurred by the Dutchess County Resources Recovery Agency. The loss of flow control authority resulted in a \$3 million shortfall to the facility last year, and a similar shortfall is expected this year unless corrective action is

taken. Of course, in the end, Dutchess County taxpayers must make up the difference for any shortfall to the facility.

Mr. Speaker, similar legislation passed the House of Representatives during the last session by an overwhelming margin. It was recognized then, as in the case today, that once the bond obligations have been met, flow control authority ceases and the free market takes over.

I recognize that legitimate concerns remain with respect to the regulation of waste streams between States, but we cannot let this issue further delay the passage of this fair and commonsense legislation. Dutchess County, and many others around the country, can no longer afford to see the resolution of this issue delayed.

I urge my colleagues to join me in support of this legislation.

Mr. VENTO. Mr. Speaker, I support this legislation which restores limited local control over municipal solid waste.

Local governments across this country would be burdened with enormous financial debts unless this Congress acts and approves legislation such as is before us today. Whether Members favor flow control or not, the fact of the matter is that local governments have been legitimately using this planning tool for over a decade, and have outstanding contractual agreements and obligations they are responsible to meet. This bill is a fair compromise that allows our local governments to basically keep their promises to investors and citizens on a good faith basis.

This bill is not perfect. From my stand point, I support stronger flow control authority granted to the States, counties, and municipalities. I believe flow control provides State and local governments with the tools to manage waste disposal responsibility and effectively. A framework for solid waste recycling and disposal has been established in Minnesota and other States that is truly working with the underpinning of flow control. Solid waste disposal is certainly an issue that is inherently local, and State and local governments should have the authority to address the policy without being whipsawed between jurisdictions. The rationalization of sound solid waste policy responding to the environmental limits and reality is a key role of local government, surely we should permit them to do their job.

This, of course, is the broader debate that Congress should be shaping. But until we face up to the total task, let us make certain that we do not let default and harm befall our States and local governments. They need certainty and predictability, not philosophic platitudes on the magic of the marketplace. Our local governments are facing an \$18 billion debt. Local governments need flow control relief today that responds to their legal obligations, and this bill provides modest and necessary relief.

I urge my colleagues to support this legislation. We cannot continue to leave our local and State governments swinging in the wind. Cooperation and responsible action should be our response to the circumstance; a commonsense pragmatic policy to the problem before us—I urge positive support for this measure.

Mr. BILIRAKIS. Mr. Speaker, I rise in support of this legislation, but also to express the concerns of Hillsborough County, FL, in my district, concerns that I understand are held by other entities in other States regarding this legislation, as well.

As is well known, the measure we consider today is intended to exempt from constitutional challenge State and municipal flow-control laws in effect on or before May 16, 1994. The necessity of this stems from the fact that the Supreme Court ruled in 1994 that solid waste flow-control was an unconstitutional interference in interstate commerce.

Nevertheless, the States and municipalities in question depend upon a steady stream of waste material to their disposal facilities in order to repay bonds issued to finance construction of these facilities.

Clearly, this matter needs to be addressed and this legislation seeks to do so. However, if we are to address it, we must ensure that our meaning is certain.

This measure also grants flow-control authority to State and local government facilities if, among other requirements, eligible bonds were presented for sale on or before May 16, 1994. Such was the case with Hillsborough County, FL, but the county refinanced these bonds in July 1994, with an expiration date on the new bond identical to that in place on May 16.

This refinancing should in no way jeopardize the flow-control authority in this case.

No changes in conditions were made other than the county's valid and, indeed, commendable desire to secure more favorable interest rates and a better financial deal for the rate-payers. Through discussions with members and staff of the Commerce Committee, it is my understanding that under this legislation this is, in fact, the case: the authority is not jeopardized.

In view of this, I support this limited flow-control-authority legislation and urge its adoption by the House. I will continue to work with the committee and its members to assure the enactment of the soundest possible solid waste flow control legislation.

Mrs. KENNELLY. Mr. Speaker, I rise in support of legislation to allow for limited flow control. As a representative of a State whose communities rely upon flow control for their solid waste disposal systems, I know firsthand the urgent need for this legislation.

It has been almost 2 years since the Supreme Court ruled that State and local flow-control ordinances violate the Interstate Commerce clause without congressional authorization. Since then, thousands of communities in my State and across the Nation have had trouble meeting their legal obligations to provide for solid waste disposal. Many resource recovery facilities, which depend upon flow control to receive enough waste to pay back municipal bonds, are being denied a steady stream of revenue. Connecticut's resource recovery authorities alone have issued over half a billion dollars in bonds to finance construction of their facilities. Without flow control, those debts might not be repaid.

In addition, the lack of flow-control authority may lead to increased taxes on millions of people if towns that entered into put-or-pay contracts with waste facilities before 1994 cannot deliver agreed-upon levels of waste. Worse, many States' solid waste disposal plans, adopted in accordance with Federal law, will be virtually unenforceable because communities will not be able to direct solid waste to resource recovery plants rather than landfills or other less environmentally preferred systems.

Those of us who represent States with flow-control ordinances understand the concerns

raised about this kind of policy. However, this legislation represents a reasonable middle ground which will grandfather in flow-control laws that were on the books prior to the Court ruling and would limit their duration. This makes sure that communities that entered into obligations to dispose of waste have the ability to fulfill those obligations until their conclusion.

If we do not take this action today, the more likely it is that our country's waste disposal systems will be undermined, our environmental policies will be harmed, and our constituents will be forced to pay more taxes. I urge a "yes" vote on this desperately needed legislation.

Mr. FRELINGHUYSEN. Mr. Speaker, I rise today in support of H.R. 349 and in strong support of flow control.

New Jersey is facing a crisis situation that can only be averted by swift passage of this legislation. A recent court decision—the Carbone decision of May 1994—has placed New Jersey's waste management system in chaos.

Currently, 17 of 21 New Jersey counties have public debt tied directly to flow control and more than \$2 billion in outstanding debt backed by flow-control bonds. This debt was incurred in compliance with a State mandate for each waste region to become self-sufficient in managing its waste.

While the Supreme Court has ruled that flow control is an undue interference with interstate commerce, the legislation that the House is voting on today allows flow control only in jurisdictions that exercised it, designated the waste facility to receive the waste, and actually sold bonds to finance the facility prior to the May 1994 Carbone decision. This is expected to apply to less than 20 percent of the solid waste market. And, once the bonds are paid off, flow control ends. This gives densely populated States like New Jersey the opportunity to regroup and plan for the redirection of their municipal waste streams.

Concern over the omission of coverage for construction and demolition debris language has been expressed by the Morris County Municipal Utilities Authority, and I will continue to work for the inclusion of these provisions which are important to Morris County and other New Jersey counties. However, in the meantime, I strongly support passage of this legislation.

Mr. TAUZIN. Mr. Speaker, I'd like to commend the gentleman from Ohio [Mr. OXLEY] and the gentlewoman from Arkansas [Mrs. LINCOLN] for their bipartisan cooperation on this bill.

To paraphrase Mark Twain, regulatory reform is a lot like the weather. Everybody talks about it, but nobody ever does anything about it.

We've had a lot of passionate debate on both sides of the aisle this year saying we all want regulatory reform, that we need to put a stop particularly to the old style of regulation that costs a lot but does very little to actually improve the environment. Well, this is our chance to prove we mean it.

Unless we act, EPA will be forced to issue another one-size-fits-all regulation that will cost, by EPA's own estimate, \$800 million per year to implement.

EPA is asking for our help, because they know that little, if any, real risk reduction would occur if these rules are promulgated.

What this means for me is that one chemical plant in my district could be forced to

spend about \$34 million to replace a well-operated wastewater treatment system.

Risk assessments performed by the company show that its surface impoundments already protect human health and the environment to RCRA risk standards. In fact, the emissions of highest risk hazardous constituents from all plant sources, including wastewater treatment, has been determined to have a lifetime cancer risk to the nearest receptor of less than one in a million.

This plant has been growing and could put the resources to greater economic and environmental benefit.

This bill represents a bipartisan agreement between Congress and the administration, and is the kind of targeted regulatory reform that many have been advocating. Chairman OXLEY should be commended for recognizing the need to correct this court-imposed conflict between our environmental statutes. The administration also deserves credit for including this correction in its RCRA rifle-shot proposals.

Mr. MINGE. Mr. Speaker, I rise in support of the Flow Control Act of 1996. Since 1990, the United States has generated 195 million tons of municipal solid waste—more than any other country in the world for which data are available and almost double the amount generated by Japan and the European Union. The challenge before us today is to manage the flow of all this solid waste in a manner that strikes a balance which is both environmentally sound and protects free-market principles.

The legislation we have before us on the floor attempts to strike this balance by partially restoring flow-control authority to some local governments so that they can pay off their debts without having to raise taxes. Some will argue that flow control is an unfunded mandate on taxpayers. Yet, the real unfunded mandate is the mandate the Federal Government leveled on State and local governments under the Resource Conservation and Recovery Act [RCRA] in 1976. Under this law, the Federal Government required the States to dispose of solid waste in an environmentally sensible fashion. To meet this unfunded Federal mandate, local governments in the State of Minnesota sold 400 million dollars' worth of municipal bonds—\$48 million in my district—to build environmentally sound waste facilities, charged for their use, and directed the flow of waste to those facilities in order to pay for them. Despite the RCRA mandate, Congress never explicitly provided States and local governments the authority to control the flow of municipal solid waste.

I'd like to illustrate the problem facing local governments by highlighting two counties in my district. Responding to Federal and State mandates, the counties of Wright and Martin built state-of-the-art composting facilities in the early 1990's. Instead of landfilling, the waste is turned into composting material, which can be sold on the market and into refuse-derived fuel, which provides electricity needs for some Minnesota cities. As a result, the amount of solid waste headed for overcrowded landfills has been reduced by 80 percent, which benefits the environment.

These facilities were built with public bond financing based on the premise that flow control would guarantee an adequate flow to the facilities to keep them financially stable. This stability was put in jeopardy in 1994 when the Supreme Court struck down local flow-control laws. The Court said that only Congress has

the power to grant flow-control authority. Since the 1994 decision, much of the waste is now going out of State, making it extremely difficult for counties to pay off their bonds.

If Congress does not act to allow those counties to pay off their debts through flow control, the taxpayers will ultimately and unfairly be forced to pay higher property taxes to meet debt obligations. Certainly, this is not an outcome this Congress should condone. This is a result that no one wants, yet it is already happening in my district. For example, in Wright County, the county commissioners were forced to raise property taxes by \$1.25 million in 1995 to make up for the shortfall of revenues caused by the diversion of waste out-of-state rather than to the county's compost facility. This is patently unfair, as it penalizes those who generate the least amount of waste by forcing them to pay higher taxes. With flow control in place, on the other hand, those who generate the most waste pay the highest fees, which is a fairer way to proceed. And in Martin County, commissioners are deciding whether to shut down their facility and just pass on the remaining \$7 million in debt to the taxpayers absent congressional action.

The legislation before the House is narrowly drafted. It is apparently intended to allow those facilities currently in operation to meet their debt obligations. Flow-control authority will expire after the bonds are paid off. Under the bill, an estimated 80 percent of the waste stream will be immediately available to the private sector. As grandfathered communities pay off their debt, the private sector will gradually assume responsibility for the remaining 20 percent of the waste stream. This compromise language was drafted after months of intense negotiations and is supported by local governments, the public securities community, and the waste industry. It should assure communities which have accumulated debt predicated on flow-control authority that they will have that important tool. At the same time, it ensures free-market competition in the solid waste industry.

Unfortunately, there may be some drafting glitches in this bill that may handicap some communities. If these glitches unintentionally exclude some communities from being covered by this important legislation, then those glitches must be fixed in the conference committee. I expect the Chair shares my commitment to pressing for any corrections that are necessary to carry out the full intent of this bill.

It is important that any legislation passed, balance the need to protect the environment with the need to promote free-market principles. I am confident that this legislation meets both of those tests. I do not believe this legislation goes far enough to protect taxpayer liability. However, it is a good basis to move forward on this issue and provide the beginning of relief to our local governments.

Mr. GEJDENSON. Mr. Speaker, I rise in support of S. 534. I urge my colleagues to support it.

The Supreme Court decision in the case of C&A Carbone, Inc. versus Town of Clarkstown has significant implications for municipalities and taxpayers across the country. The case invalidated the use of flow control to manage solid waste generated within the borders of a community. The implications are far reaching because according to the Congressional Research Service [CRS], 41 States exercise flow control either through statute or other means.

Many States have used flow control to ensure that municipal solid waste [MSW] is disposed of in accordance with several Federal laws and regulations.

Flow control authority is especially important to communities across my State of Connecticut. Many small towns in eastern Connecticut have contracts with solid waste disposal facilities which require them to deliver a minimum amount of waste or face financial penalties, also known as put-or-pay requirements. Towns entered into these agreements because they believed that flow control ordinances, authorized under State law, would allow them to meet their contractual obligations. Without flow control, residents in communities such as Norwich, Vernon, Groton, Tolland, Westbrook, and many others will be forced to pay higher taxes to pay penalties for failing to deliver the minimum volume of waste.

To make matters worse, the majority of solid waste disposal facilities in my State have been financed with State revenue bonds. Disposal authorities require a minimum amount of waste to operate at levels sufficient to generate revenue to repay these bonds. If facilities cannot make these payments, the bondholders could be forced to make the payments. According to Connecticut's attorney general, the State and its taxpayers could ultimately be responsible for 520 million dollars' worth of bonds. This would be fully disastrous for our State which is only beginning to fully recover from the recession.

S. 534 will provide relief to these communities. It grandfathers existing flow control ordinances, statutes, and agreements. It also allows communities to flow control certain recyclable material provided that the material is voluntarily relinquished. This is especially important because flow controlling common household recyclables in urban areas helps to subsidize recycling efforts in rural communities. The bill makes it clear that such authority does not place an undue burden on interstate commerce.

Contrary to what some opponents of the bill argue, this is a limited approach. Communities must have applied flow control through formal, legally binding methods on, or before, the date of the Supreme Court decision to qualify under the bill. In addition, flow control can only be exercised during the bond repayment period or life of a contract. As a result, flow control authority will expire when bonds are repaid and put-or-pay contracts have expired.

Mr. Speaker, I want to take a moment to comment on the charge flow control damages the environment. I am not aware of a single case where this argument has been proven conclusively. In fact, the vast majority of communities use flow control to direct waste to state-of-the-art disposal facilities. In my State, waste goes to transfer stations, landfills, and other facilities which meet strict State, Federal, and local standards designed to protect the air, water, and public health. Claims that flow control damages the environment are a red-herring designed to prevent Congress from providing important relief to small communities across the country.

Mr. Speaker, it is essential that the House pass this legislation today. If we fail to act, taxpayers across the country could face much higher tax bills as their communities are penalized for failing to meet their contractual obligations. This is a balanced bill which provides

needed relief while placing reasonable limits on future flow control authority. I urge my colleagues to support this important bill.

Mrs. ROUKEMA. Mr. Speaker, I rise in support of the Flow Control Act of 1996. Prompt House action on this legislation is essential for people and counties of New Jersey, and their continued ability to dispose of solid waste.

Although this is not the exact bill that I would have written by myself, the time has come for the House to take action on this very serious issue nevertheless.

Essentially, this legislation will restore to towns and cities the ability to enact flow-control ordinances, which dictate the terms and conditions of how solid waste, or garbage as most people call it, is disposed of in New Jersey.

In May 1994, the Supreme Court, in its *Carbone versus Town of Clarkstown* ruling, held that without congressional authorization, it was an unconstitutional restriction on interstate commerce for towns and cities to dictate the disposal of solid waste.

At that point in time, 17 of the 21 counties in New Jersey had issued more than \$2 billion in debt to finance the construction of solid waste disposal facilities. Thus, the Supreme Court's rulings immediately put all of these bonds—as well as the counties that issued them—in dire jeopardy, because the bonds had been floated based on the assumption that the ability to flow control waste would remain intact.

The bill before us today grandfathers State and local flow-control arrangements made prior to the *Carbone* decision, as well as any existing lawful contracts entered into between May 16, 1994, and November 10, 1995. The grandfathering is in effect for the life of a county's bonded debt or an existing solid waste disposal contract, whichever is longer.

In the 36 months since the Supreme Court's ruling, I have worked diligently with all of my House colleagues from New Jersey, most notably Congressman CHRIS SMITH, to have the Congress pass legislation that restores to our State the authority to flow control solid waste.

In fact, during the 103d Congress, a bipartisan effort to approve flow-control legislation as part of a larger solid waste bill was passed by the House, only to die in the Senate in the waning hours of the session. Although the need for flow-control legislation was urgent then, it is even more serious today, almost 15 months later.

Last summer, the Senate passed its own version of solid waste legislation. The House cannot afford to delay anymore. With this in mind, I urge my colleagues in the House to join me in supporting passage of this bill.

I recognize the fact that some of my colleagues are urging the House to defeat this bill. However, their opposition to this bill is not centered so much on the provisions of the bill before us today, as much as the process by which it has been brought to the floor.

In the public arena, there is the old cliché "Don't let the good be the enemy of the perfect." Clearly, today, the legislation before us today meets this test—it isn't perfect, but we know that it is good and worthy of our support. I urge my colleagues in the House to vote in support of its passage.

The SPEAKER pro tempore (Mr. YOUNG of Florida). The question is on the motion offered by the gentleman from Virginia [Mr. BLILEY] that the

House suspend the rules and agree to the resolution, House Resolution 349.

The question was taken.

Mr. MARKEY. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Pursuant to clause 5, rule I, and the Chair's prior announcement, further proceedings on this motion will be postponed.

The point of no quorum is considered withdrawn.

GENERAL LEAVE

Mr. BLILEY. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on House Resolution 349, the resolution just considered.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Virginia?

There was no objection.

LAND DISPOSAL PROGRAM FLEXIBILITY ACT OF 1995

Mr. BLILEY. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2036) to amend the Solid Waste Disposal Act to make certain adjustments in the land disposal program to provide needed flexibility, and for other purposes, as amended.

The Clerk read as follows:

H.R. 2036

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Land Disposal Program Flexibility Act of 1995".

SEC. 2. LAND DISPOSAL BAN.

Section 3004(g) of the Solid Waste Disposal Act (42 U.S.C. 6924(g)) is amended by adding the following after paragraph (6):

"(7) Solid waste identified as hazardous based on one or more characteristics alone shall not be subject to this subsection, any prohibitions under subsection (d), (e), or (f), or any requirement (other than any applicable specific method of treatment) promulgated under subsection (m) if such waste—

"(A)(i) is managed in a treatment system which subsequently discharges to waters of the United States pursuant to a permit issued under section 402 of the Clean Water Act (33 U.S.C. 1342); (ii) treated for the purposes of the pretreatment requirements of section 307 of the Clean Water Act (33 U.S.C. 1317); (iii) or managed in a zero discharge system that, prior to any permanent land disposal, engages in Clean Water Act-equivalent treatment as determined by the Administrator;

"(B) no longer exhibits a hazardous characteristic prior to management in any land-based solid waste management unit;

"(C) has met any applicable specific method of treatment promulgated by the Administrator under section 3004(m) (42 U.S.C. 6924(m)); and

"(D) would not generate toxic gases, vapors, or fumes due to the presence of cyanide at the point of generation when exposed to pH conditions between 2 and 12.5.

"(8) Not later than 5 years after the date of enactment of this paragraph, the Adminis-

trator shall complete a study of hazardous wastes managed pursuant to paragraph (7) to characterize the risks of human health or the environment associated with such management. In conducting the study, the Administrator shall evaluate the extent to which the risks are adequately addressed under existing State or Federal programs and whether unaddressed risks could be better addressed under such Federal laws or programs. Upon completion of such study or upon receipt of additional information, and as necessary to protect human health and the environment, the Administrator may, after notice and opportunity for comment, impose additional requirements, including requirements under section 3004(m)(1) or defer management of such wastes to other State or Federal programs or authorities. Compliance with any treatment standards promulgated pursuant to section 3004(m)(1) may be determined either prior to management in, or after discharge from, a land-based unit as part of a treatment system specified in subparagraph (A) of paragraph (7). Nothing in this paragraph shall be construed to modify, supplement, or otherwise affect the application or authority of any other Federal law or the standards applicable under any other Federal law.

"(9) Solid waste identified as hazardous based on one or more characteristics alone shall not be subject to this subsection, any prohibition under subsection (d), (e), or (f), or any requirement promulgated under subsection (m) of this section if the waste no longer exhibits a hazardous characteristic at the point of injection in any Class I injection well regulated under section 1422 of title XIV of the Public Health Service Act (42 U.S.C. 300h-1)."

SEC. 3. GROUND WATER MONITORING.

(a) AMENDMENT OF SOLID WASTE DISPOSAL ACT.—Section 4010(c) of the Solid Waste Disposal Act (42 U.S.C. 6949a(c)) is amended as follows:

(1) By striking "CRITERIA.—Not later" and inserting the following: "CRITERIA.—

"(1) IN GENERAL.—Not later".

(2) By adding at the end the following new paragraphs:

"(2) ADDITIONAL REVISIONS.—Subject to paragraph (3), the requirements of the criteria described in paragraph (1) relating to ground water monitoring shall not apply to an owner or operator of a new municipal solid waste landfill unit, an existing municipal solid waste landfill unit, or a lateral expansion of a municipal solid waste landfill unit, that disposes of less than 20 tons of municipal solid waste daily, based on an annual average, if—

"(A) there is no evidence of ground water contamination from the municipal solid waste landfill unit or expansion; and

"(B) the municipal solid waste landfill unit or expansion serves—

"(i) a community that experiences an annual interruption of at least 3 consecutive months of surface transportation that prevent access to a regional waste management facility; or

"(ii) a community that has no practicable waste management alternative and the landfill unit is located in an area that annually receives less than or equal to 25 inches of precipitation.

"(3) PROTECTION OF GROUND WATER RESOURCES.—

"(A) MONITORING REQUIREMENT.—A State may require ground water monitoring of a solid waste landfill unit that would otherwise be exempt under paragraph (2) if necessary to protect ground water resources and ensure compliance with a State ground water protection plan, where applicable.

"(B) METHODS.—If a State requires ground water monitoring of a solid waste landfill

unit under subparagraph (A), the State may allow the use of a method other than the use of ground water monitoring wells to detect a release of contamination from the unit.

"(C) CORRECTIVE ACTION.—If a State finds a release from a solid waste landfill unit, the State shall require corrective action as appropriate.

"(4) NO-MIGRATION EXEMPTION.—

"(A) IN GENERAL.—Ground water monitoring requirements may be suspended by the Director of an approved State for a landfill operator if the operator demonstrates that there is no potential for migration of hazardous constituents from the unit to the uppermost aquifer during the active life of the unit and the post-closure care period.

"(B) CERTIFICATION.—A demonstration under subparagraph (A) shall be certified by a qualified ground-water scientist and approved by the Director of an approved State.

"(C) GUIDANCE.—Not later than 6 months after the date of enactment of this paragraph, the Administrator shall issue a guidance document to facilitate small community use of the no migration exemption under this paragraph."

(b) REINSTATEMENT OF REGULATORY EXEMPTION.—It is the intent of section 4010(c)(2) of the Solid Waste Disposal Act, as added by subsection (a), to immediately reinstate subpart E of part 258 of title 40, Code of Federal Regulations, as added by the final rule published at 56 Federal Register 50798 on October 9, 1991.

SEC. 4. TECHNICAL CORRECTIONS TO SOLID WASTE DISPOSAL ACT.

The Solid Waste Disposal Act is amended as follows:

(1) In section 3001(d)(5) by striking "under section 3001" and inserting "under this section".

(2) By inserting a semicolon at the end of section 3004(q)(1)(C).

(3) In section 3004(g), by striking "subparagraph (A) through (C)" in paragraph (5) and inserting "subparagraphs (A) through (C)".

(4) In section 3004(r)(2)(C), by striking "petroleum-derived" and inserting "petroleum-derived".

(5) In section 3004(r)(3) by inserting after "Standard" the word "Industrial".

(6) In section 3005(a), by striking "polychlorinated" and inserting "polychlorinated".

(7) In section 3005(e)(1), by inserting a comma at the end of subparagraph (C).

(8) In section 4007(a), by striking "4003" in paragraphs (1) and (2)(A) and inserting "4003(a)".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Virginia [Mr. BLILEY] will be recognized for 20 minutes, and the gentleman from Massachusetts [Mr. MARKEY] will be recognized for 20 minutes.

The Chair recognizes the gentleman from Virginia [Mr. BLILEY].

Mr. BLILEY. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of H.R. 2036, the Land Disposal Flexibility Act of 1995.

During the 104th Congress, the Commerce Committee and the House have taken the initiative in trying to reform our regulatory programs. We need to ensure that the risks that are addressed are realistic and significant and that the costs of regulations are reasonably related to their benefits. H.R. 2036 is a perfect example of the type of realism we need more of.

H.R. 2036, addresses two rulemakings in which EPA tried to use principles of

sound risk management but were prevented by the courts from doing so. Unfortunately, the current law, as interpreted by the courts, does not allow for a reasonable set of regulations.

EPA has already performed cost and benefit analyses on the land disposal restrictions rule and the groundwater monitoring rule for landfills that are the topic of H.R. 2036. In its own analyses of the proposed rule on land disposal restrictions, EPA has stated that "the risks addressed by this rule * * * are very small relative to the risks presented by other environmental conditions or situations." In both of the land disposal restrictions and groundwater monitoring rules, the prescriptive 1984 RCRA Amendments prevent reasonable regulations. Congress and the executive branch need to fix these fundamental problems.

It is Congresses job to make changes in the laws to remove steps that are unnecessary and provide a procedural barrier to the swift enforcement of more pressing problems. H.R. 2036 is one example of Congress helping the EPA by eliminating an additional administrative step which provides relatively few benefits.

I am pleased to see we have bipartisan support for H.R. 2036. Subcommittee Chairman OXLEY, Mrs. LINCOLN, and the administration have worked together and their hard work is reflected in this bill. H.R. 2036 is also supported by the Ground Water Protection Council, the National Association of Counties, and representatives of the industrial community.

I urge the adoption of the bill.

Mr. Speaker, I reserve the balance of my time.

Mr. MARKEY. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in opposition to the motion to suspend the rules and to pass H.R. 2036. First of all, I object to the way this bill was brought to the floor for consideration under the suspension calendar. It is not in fact a procedure that is at all appropriate.

With regard to H.R. 2036, the majority worked with the minority throughout the committee process. Because of this, we agreed to take up this bill under suspension so long as important language was included in the committee report. The report was filed only hours ago. This is very distressing since it prevents Members and staff from reviewing the details of this bill.

Also, due to the last-minute decision to proceed today, some of my colleagues who had anticipated speaking against this bill could not be here. Compared to the other abuses of the suspension calendar that we have seen today, this is a minor grievance. However, we resent the continuing abuses of what is supposed to be a non-partisan, noncontroversial process.

The second point I want to make about this bill is that although it is receiving some bipartisan support today, it is not completely without controversy. As the gentleman from Vir-

ginia [Mr. BLILEY] outlined, this legislation would give EPA authority to grant certain blanket exemptions from environmental standards that they have been barred from making by recent court decisions.

I under how Members of Congress and the administration want to work with the business community to develop a regulatory system that is more accommodating and flexible. However, I do not believe that we can lightly dismiss the environmental concerns that have been raised about this bill.

In 1992, the D.C. Circuit Court of Appeals unanimously overturned a Bush administration regulation which would have allowed hazardous waste generators with waste water treatment systems to simply dilute their hazardous waste and dump it into an unlined pit or lagoon rather than requiring them to take measures to reduce toxicity or otherwise minimize the threat posed by the waste.

The court held that simple dilution did not address the hazardous components in the waste, and if these components migrated into the ground water, they could pose significant risks to human health and the environment.

Current law requires that hazardous components and a variety of wastes be effectively treated not just diluted.

The gentleman from Virginia [Mr. BLILEY] has argued this bill is needed in order to eliminate unnecessary and duplicative environmental regulation. When sufficient regulations are in place to protect public health and environment, that is a goal that we can all support. Unfortunately, this is not a situation where regulations are redundant.

The Clean Water does cover any release of hazardous components from one of these lagoons into a nearby river or lake. However, leakage into ground water supply is beyond the scope of the Clean Water Act and releases of these hazardous components into the air are not regulated under the Clean Air Act.

EPA has stated that the risks posed by treating certain hazardous wastes in this manner are relatively low. However, the Agency's own preliminary analysis tells a very different story. Last summer they concluded that these wastes do pose potentially significant health risks including cancer risks approaching one in a thousand, if ground water becomes contaminated.

I am aware that EPA regards the current data as somewhat limited, which is why we pushed for language in the bill allowing the Agency to collect and assess additional data. After much discussion, it was agreed that they would be given 5 years to complete such a study. Although the Agency can probably meet an earlier deadline, I am satisfied to see that a time limit was adopted.

Regardless of any deadline for completion of the study, there can be no doubt the intent of this bill is that EPA will dedicate adequate resources to develop a technically sound study in

an expeditious manner. More importantly, however, I believe the Agency should be required to make a final determination based on their scientific study as to whether or not release of hazardous components from any of these holding areas into the air or ground water poses a threat to public health and the environment.

It is troubling that the bill's proponents who assume there is no significant risk involved here lack the courage of their convictions. Why should not the EPA have to inform the public and the Congress of the conclusions it draws from the study that we are requiring the Agency to undertake that so fundamentally deals with the public health of the public in our country?

The amendments adopted during the markup sessions of the Committee on Commerce greatly improved the original bill by adding language directing EPA to complete a study within 5 years. The report language clearly directs EPA to begin the study within 60 days and to complete it as soon as possible.

However, without the inclusion of a judicially reviewable final determination, the legislation lacks the common-sense requirement that EPA reach a decision to act or not act based on any risks identified in the study.

□ 1515

If that additional provision had been included, if that extra safeguard of the health of Americans had been approved, then we would be in a different posture out here on the floor today. If out of respect for the gentleman from New Jersey [Mr. PALLONE] and the gentleman from Oregon [Mr. WYDEN] and the gentlewoman from Oregon [Ms. FURSE], and other Members that wanted to speak on this bill, that we were giving them that opportunity, then we would not find this bill so unacceptable.

But in its current form, under the procedure which we are using, we find it unacceptable, and we urge all Members that care about health and safety, care about the water, which goes into hundreds of thousands, if not millions of human beings across this country, to vote "no," to send a strong signal that we want a better, substantive, and procedural way to handle these critical issues of public health and safety.

Mr. Speaker, I reserve the balance of my time.

Mr. BLILEY. Mr. Speaker, I yield such time as he may consume to the gentleman from Ohio [Mr. OXLEY], the chairman of the subcommittee.

Mr. OXLEY. Mr. Speaker, I thank the chairman for yielding me time.

Mr. Speaker, during the 104th Congress, the Commerce Committee has been highlighting the problem of inflexible or inappropriate statutory requirements. These requirements can prevent EPA from issuing regulations or facility cleanups that address realistic and significant risks in a cost-effective and cost-reasonable manner.

H.R. 2036 embodies the position of the EPA in final rules that were later struck down by the courts. In each case, EPA did a regulatory impact analysis which found that the costs of a given option were exceedingly high and the benefits very low. In each case, EPA sought a more flexible and balanced approach but was ultimately directed by the courts to the most counterproductive result.

In their March 2, 1995, summary of the proposed rule EPA wrote—

[t]he Agency is required to set treatment standards for these relatively low risk waste and disposal practices * * * although there are other actions and projects with which the Agency could provide greater protection of human health and the environment.

In this particular case, EPA estimates suggest over half a billion dollars will be spent with little if any improvement to human health. Indeed, the Agency states that less safe alternatives may be chosen over more safe alternatives. That is unacceptable. In their letter endorsing H.R. 2036 the administration wrote—

[t]he bill would eliminate a mandate that the EPA promulgate stringent and costly treatment requirements for certain low-risk wastes that already are regulated in Clean Water Act or Safe Drinking Water Act units. Understand, they are covered in the Clean Water Act, so in that sense it is duplicative.

H.R. 2036 is also endorsed by organizations representing State environmental programs such as the Groundwater Protection Council, and the Association of State and Territorial Solid Waste Management Officials as well as the National Association of Counties.

I appreciate the bipartisan efforts of Mrs. LINCOLN and the administration in support of H.R. 2036. It is important to move forward with legislation that injects common sense into current statutory law and H.R. 2036 is just such an injection.

This is time-critical legislation and I hope that it can proceed swiftly through the process.

Mr. Speaker, let me talk about the process. We had hearings on this legislation. The administration came in very effectively supporting this legislation. The majority made changes in the legislation at the request of the minority. This bill passed out of our subcommittee on a unanimous vote with the support of the gentleman from Massachusetts and all the other Members on the other side of the aisle that he mentioned. It then passed out of the full committee, Mr. BLILEY's committee, again on a unanimous vote, with all members present voting in favor of the legislation.

This is probably the best example you can imagine of good, bipartisan cooperation with the administration, getting rid of unworkable regulations that are costly and ineffective. So it is time critical we move swiftly through the process.

I should note, however, these issues, while important for many, are simply

the tip of the iceberg. We must make fundamental reform to ensure that our regulatory programs address realistic and significant risk through cost effective and cost reasonable means. There is much work to be done.

I urge all Members to vote for swift passage of 2036, to prevent EPA from being forced to use unnecessary and costly regulations.

In closing, Mr. Speaker, let me quote a letter to the gentleman from Virginia, Chairman BLILEY, from the administration and EPA in support of our efforts.

The Committee on Commerce's willingness to work with the administration and the minority in a bipartisan spirit and the consequent development of a narrowly tailored and balanced approach to this issue commends this legislation for prompt action by the full House on the suspension calendar.

Mr. Speaker, nothing could be clearer than the strong support of the EPA and the Clinton administration for this legislation. I applaud the bipartisanship on the part of the gentlewoman from Arkansas [Mrs. LINCOLN] and others. Let us get this bill passed. Let us provide some relief and some common sense to the process.

Mr. MARKEY. Mr. Speaker, I yield myself 1 minute.

Mr. Speaker, the only reason I want to recognize myself is I did not vote for this bill at the full committee level. It was a voice vote that I dissented from. Five of us have in fact filed dissenting views in the committee report. So I wanted the RECORD to be made clear on that issue, that there was opposition to the bill, although on a voice vote it did pass.

Mr. Speaker, I yield such time as she may consume to the gentlewoman from Arkansas [Mrs. LINCOLN].

Mrs. LINCOLN. Mr. Speaker, I rise in strong support of H.R. 2036. First of all, I want to thank Chairman BLILEY and Chairman OXLEY for working with me on this bill to address my concerns. Additionally, I want to extend my deep appreciation to Mr. DINGELL who was also a pivotal player in developing this legislation. I believe that this is a good bill and represents good public policy. In passing H.R. 2036, we will be able to reduce environmental regulation without sacrificing the health of our environment.

H.R. 2036 will provide some needed relief to the regulated industry by restoring EPA's original regulatory determination that RCRA wastes that are no longer hazardous need not be treated as if they were hazardous. Not only will this bill save industry around \$800 million per year, it will have little if no impact on the environment. Additionally, we have as a check and balance to the Health and the Environment of our constituents incorporated language calling for a study of the hazardous waste managed pursuant to this bill to determine if any risks to human health or the environment have resulted from this new type of management. If risks do present themselves,

EPA has the authority to impose additional regulatory requirements.

I have never been a proponent of "treatment for treatment's sake" and this bill will eliminate the duplication between RCRA's land disposal restrictions [LDR] provisions and other environmental laws. As long as the water treatment systems and surface water impoundments are permitted under the Clean Water Act or the wastes are injected deep into the ground under the Safe Drinking Water Act, RCRA LDR mandates are not applicable.

Again, this is a small, but very economical change to RCRA, and I encourage my colleagues both in the House and the Senate to keep this provision narrow. This bill is needed now and will only be weighted down by any extraneous amendments. We should not make H.R. 2036 a Christmas tree loaded with controversial ornaments, but rather, let's enact sensible regulatory reform, while assuring that human health and the environment are properly protected.

This bill reflects an agreement between industry and the administration, who have worked tirelessly in arriving at this compromise. True to Vice President GORE's dedication to reinventing government, we have written a rifle shot correction to RCRA—making corrections and improvements where we can without putting in jeopardy health or the environment. I believe that H.R. 2036 and its accompanying negotiations should serve as a blueprint for future environmental initiatives. It specifically targets problem areas without delving into controversial subjects and it is the result of a true bipartisan agreement between the Members of Congress and the administration.

I urge my colleagues to support H.R. 2036.

Mr. BLILEY. Mr. Speaker, I yield 2 minutes to the gentleman from New York [Mr. BOEHLERT].

(Mr. BOEHLERT asked and was given permission to revise and extend his remarks.)

Mr. BOEHLERT. Mr. Speaker, I rise to address provisions in H.R. 2036, the Land Disposal Program Flexibility Act.

First, I want to commend the leadership of the Commerce Committee for moving forward with legislation that attempts to solve problems involving the Solid Waste Disposal Act, the Clean Water Act and groundwater protection. The bill should help to streamline and coordinate an environmentally responsible approach to management of certain wastes in surface impoundments and to provide responsible exemptions for solid waste landfills in remote or arid areas and in situations lacking any evidence of groundwater pollution.

Second, I want to thank the Commerce Committee for addressing and responding to some of the concerns of the Transportation and Infrastructure Committee. The Water Resources and Environment Subcommittee, which I chair, has jurisdiction over the Clean Water Act and over the pollution of

navigable waters. Clearly, we have an interest in this bill; we did not pursue a formal referral of H.R. 2036, however, in part because of the urgency of the issue and the willingness of the Commerce Committee to work with us. Like drinking water, this is an area where the two committees can and will work together.

Finally, Mr. Speaker, I want to address particular provisions involving the interplay between the Solid Waste Disposal Act and the Clean Water Act. A primary purpose of this bill is to overturn a D.C. Circuit Court opinion that would require EPA to regulate wastes under the Solid Waste Disposal Act that are already being treated to meet standards under the Clean Water Act. This bill will reinstate EPA's earlier approach to the management of these wastes: avoid duplicative regulation by regulating these wastes under the Clean Water Act alone.

Mr. Speaker, this is a good, streamlined, coordinated approach, and once again I want to restate what the gentleman from Ohio, [Mr. OXLEY] stated so well: The administration has lauded the Committee on Commerce, and the letter says, "for its willingness to work with the administration and the minority in a bipartisan spirit."

Mr. Speaker, that is all we can ask for. I urge support of H.R. 2036.

Mr. MARKEY. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the point is that, one, we are unhappy, again I will make that statement, with the procedures that have been adopted in order to bring this bill out on the floor. There is no need for it to come out under this particular process on this particular day, disrespectful of the interests of other Members who have worked long and hard on this subject as well.

On the issue of the protections which it is going to give to the public health and safety, the point is that no one is certain of the risks contained in the depths of these ponds and lagoons. We have creatures in these black lagoons that can be transmogrified into very dangerous substances as they are put into human bodies. That is why this is such a critical subject for us to be deliberating out here on the floor. That is why we support a study of these bodies of water, of these ponds, of these lagoons, and that it be conducted in an expeditious fashion.

□ 1530

I anticipate that the industry will cooperate in providing data to the EPA and that the agency will commit adequate resources to this study. But because the bill does not require the EPA to make a judicial reviewability determination that these ponds or lagoons are not dangerous, I must oppose this measure because we just do not know whether these ponds or lagoons are dangerous to the health of the communities around them.

Supporting this legislation does not ultimately provide a mechanism by which that determination can be made and be judicially reviewable to ensure that the final measure of protection for

the public health and safety is provided. So I urge all the Members and their staffs who are listening to this debate, that a no vote is the appropriate vote. Some fine-tuning is needed. The bill should be brought out in a more procedurally appropriate fashion, but this day at this time, no is the right vote on this very important piece of legislation.

Mr. Speaker, I yield back the balance of my time.

Mr. BLILEY. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I urge a strong aye vote for this proposal.

This proposal had strong bipartisan support in the subcommittee and the full committee. The administration supports this bill, and I quote from a letter of the administration to that effect: "We are writing to express the administration's strong support for H.R. 2036. The bill would eliminate a mandate that the EPA promulgate stringent and costly treatment requirements for certain low-risk wastes that already are regulated in Clean Water Act or Safe Drinking Water Act Units."

The Ground Water Protection Council, an organization for State groundwater protection and underground injection control program administrators, with members representing 40 States, strongly supports enactment.

The Association of State and Territorial Solid Waste Management Officials strongly supports H.R. 2036.

Please support H.R. 2036, a bipartisan effort that has the full support of the administration. I hope it would be the pleasure for us to give unanimous consent for this bill.

Mr. DEAL. Mr. Speaker, I join my distinguished colleagues in support of H.R. 2036, the Land Disposal Program Flexibility Act. This bill is also supported by the White House and the Environmental Protection Agency [EPA].

This legislation represents a very simple, yet important modification to the Solid Waste Disposal Act that has the potential to save taxpayers as much as \$800 million in annual compliance costs—an expense that the EPA says will provide no additional environmental benefit. This bill was developed through a cooperative, bipartisan effort to correct expensive and needless environmental overregulation. Efforts have been made throughout the process to accommodate the concerns of the environmental community.

The current land disposal restrictions prohibit land disposal of hazardous wastes unless these wastes have first been treated to meet EPA standards. As a result of a 1993 decision by the D.C. Circuit Court, these restrictions, known as LDR's would also be extended to nonhazardous wastes managed in wastewater systems that are already regulated under the Clean Water Act or the underground injection control [UIC] program of the Safe Drinking Water Act. The court adopted this position despite the fact that the EPA had previously adopted a rule authorizing the appropriate treatment and disposal of these materials, and

despite the fact that the Agency believed that such strict standards are inappropriate.

This legislation would restore the EPA's original regulatory determination allowing these materials to be safely treated and disposed of in permitted treatment units and injection wells.

Due to the court decision, the EPA will be forced to impose these needless and expensive requirements if Congress does not act very soon. I am glad that we are able to act on this legislation today and I hope that the bill will move quickly in the other body.

Mr. BLILEY. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. YOUNG of Florida). All time has expired.

The question is on the motion offered by the gentleman from Virginia [Mr. BLILEY] that the House suspend the rules and pass the bill, H.R. 2036, as amended.

The question was taken.

Mr. MARKEY. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Pursuant to clause 5, rule 1, and the Chair's prior announcement, further proceedings on this motion will be postponed.

The point of no quorum is considered withdrawn.

GENERAL LEAVE

Mr. BLILEY. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H.R. 2036, the bill just considered.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Virginia?

There was no objection.

SPECIAL ORDERS

The SPEAKER pro tempore (Mr. YOUNG of Florida). Under the Speaker's announced policy of May 12, 1995, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Florida [Mr. STEARNS] is recognized for 5 minutes.

[Mr. STEARNS addressed the House. His remarks will appear hereafter in the Extensions of Remarks.]

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Tennessee [Mr. BRYANT] is recognized for 5 minutes.

[Mr. BRYANT addressed the House. His remarks will appear hereafter in the Extensions of Remarks.]

PROTECT THE NATION'S CREDITWORTHINESS

The SPEAKER pro tempore. Under the Speaker's announced policy of May

12, 1995, the gentleman from Texas [Mr. DOGGETT] is recognized for 60 minutes as the designee of the minority leader.

Mr. DOGGETT. Mr. Speaker, we now approach a time within only a very few weeks when for the first time in over two centuries of this country, the full faith and credit of the United States of America is being placed in dire risk. The creditworthiness of this country, to an extent the creditworthiness of all of us as American citizens, is being put on the line.

Is this for some lofty purpose or for some deep political principle? No, not at all. Only to gain some momentary advantage are our Republican colleagues willing to push this Nation right to the brink of financial disaster by trying to use the adjustment of the limits of this country's creditworthiness, that everyone agrees is essential, that Republican colleagues have already voted to extend in another format in a previous occasion, in fact more than one previous occasion. But now that it is time to adjust the limit and protect the creditworthiness of every American citizen acting through their Government, they want to use that device as leverage to put into effect some of the provisions that they cannot pass and enact in this Congress through ordinary democratic means to get adjustment and get a little leverage and use a crowbar to adjust and get the political ends that they think are necessary, rather than to let the democratic process work and rather than protect the creditworthiness and full faith and credit of this country.

I read with some alarm in the news of this afternoon that only this morning at a forum the respected Chair of the House Committee on Ways and Means, the gentleman from Texas [Mr. ARCHER] says we need something to get our House Republican Members to vote for the debt ceiling that they would not otherwise vote for.

I assume from those remarks that just merely protecting the full faith and credit of the United States is not sufficient reason. The mere prospect of this country defaulting on its obligations, obligations that all of us as American citizens have undertaken, that is not enough to get them to vote to extend and adjust this ceiling.

Mr. Speaker, he added that there would be no debt ceiling bill that will not have some additional matters attached to it.

He indicated in the same speech that it was his objective to place in that debt ceiling bill the revisions in the capital gains tax that have been referred to along with other provisions in the contract on America as the crown jewel of the contract. That is basically the program in which our Republican colleagues begin a transfer of wealth in the country by reducing the taxes on those at the top of the economic ladder and by increasing the taxes on those at the bottom of the economic ladder, a strange approach but one surely designed to widen the gap that already

exists between rich and poor in this country.

Mr. Speaker, I do not know what it is about those colleagues. I have nothing against people down at the country club enjoying their tax breaks, but I hate to see them lonely down there. I hate to see many Americans only have a chance to get to the country club if they are there to sweep the floor or mow the lawn.

Why not assure every citizen an opportunity to share in the American economic dream instead of providing all of the tax benefits to those at the top and raising taxes on those at the bottom? But that is the logic of the Republican contract on America, a contract provision that they cannot get approved through ordinary democratic means. So apparently they are willing to risk a default on the obligations of the United States of America for the first time in its history just in order to force this adjustment in the tax rate and accomplish the crown jewel, as they refer to it, in the contract on America.

I think that would be a very serious mistake, to get right up to the brink of disaster without adjusting the obligations to protect our creditworthiness.

The other aspect of this work is what we see here this afternoon, and that is a House working not on full throttle but barely turning on the ignition. This is a House that in recent months, every time it has approached a crisis, whether a manufactured crisis by the Speaker such as the "Cry Baby" shutdown or the Christmas Eve shutdown that we had of Government.

Mr. Speaker, every time they approach the crisis in America, the solution is to treat work in this Congress as if it were not only a four-letter word but a dirty four-letter word. Instead, the word that has become honored in this Congress is another four letter word, the word "quit." Every time we approach a crisis, whether it is a shutdown or now the possibility of governmental default on our obligations, the solution is to condemn work. The idea that we would stay here like Americans are working across this country today and really work and labor to solve the problems that we face in a bipartisan basis, rather, the approach is to quit.

So the approach this week is to work just a little bit and then quit on Thursday afternoon, deferring apparently until February 26, just up and quit during that time and wait until approximately 5 or 6 days before we enter complete default so that they can at the last minute, in true brinkmanship fashion come forward with a debt limit bill that contains things like the capital gains tax cut for those at the top of the economic ladder, perhaps whatever other approach might be necessary in order to bring together not this House, but just the Republican Members of this House to support an adjustment they have already voted for that is essential to protecting the economic security of this country.

That kind of brinkmanship, rather than bipartisanship, is what has brought this House to the state that it is in today and produced the risks that this Nation faces of fiscal disaster.

What does the possibility of a default really mean to ordinary American citizens? Why, they are talking about it on Wall Street. The political commentators discuss it. But what does it really mean to the ordinary American family that is just out there trying to hear a little through all the static that they hear about what is going on in Washington about who is ahead of whom and who is doing what to whom and who is complaining about this, what does it mean?

Mr. Speaker, it has far-reaching implications for every American citizen who has a variable rate mortgage; for every American who has a balance on their credit card; for every American citizen who has a car loan or the possibility of a car loan in the future. They have a stake in what is happening here in Washington. Indeed any American citizen who ever plans to borrow money in the future has a stake in what is happening, because the effect of the United States defaulting on interest rates in this country could be very significant indeed.

What about those who are in such good shape that they are going to benefit from these tax breaks that are being proposed and are not borrowing money? Well, yes, they, to the extent they pay any taxes, have a stake in this whole issue of governmental default. If this occurs, it will be no different than the neighbor or the relative that each of us knows who abused their credit rating; who ran up big bills on their charge cards and did not pay them, who perhaps did not pay them because they lost a job or they went through domestic problems, and they did not get those bills paid. Now there is a big black mark in someone's computer against that individual.

Well, the same thing can and has happened to nations in this world. Ours has never been one of them. We have stood by our obligations in the past 220-plus years that this Nation has existed. But once we permit a default to occur and have that on our Nation's credit rating, every single one of us who pays taxes in this country will be paying more taxes to cover the higher borrowing costs that this Nation will incur if we end up with a governmental default.

So, Mr. Speaker, we have very high stakes indeed. Yet, instead of dealing with this question of default, Members of this House plan to head back home and leave the matters to work out however they might. They plan to wait until just a very few days in the last week of February before default will actually occur to do anything about it and hope that perhaps in the dead of night they can force over on to the President's desk some bill with a Christmas tree of goodies for special interests and those at the top of the

economic ladder and force him to sign that bill. A sorry state of affairs, indeed.

□ 1545

We also face, along with this question of default, the question of how the Government will handle its business with reference to the continuation of governmental operations. We have already had two governmental shutdowns, cost the American taxpayer a billion and a half dollars, a billion and a half dollars added to the national deficit, unless they plan to raise taxes or do something else to cover the cost of this waste, a billion and a half dollars that should never have been incurred. And now we have a continuation of the operations of the Government not through the rest of this fiscal year but only until March 15.

Who knows that is to occur on March 15? Indeed, that "who knows what is to occur" is really what the problem is, because it is impossible for many agencies to plan out and operate their functions of Government and deliver the services that all of us depend on in varying degree, if they cannot plan for more than a month or 6 weeks at a time.

We have had a kind of hurry-up-and-stop Government since early last fall, where the personnel at these Federal agencies, the directors at these agencies do not know whether they are going to be on the job from 1 week or 1 month to the next.

Under the decision of this House last week, that is exactly what we have now. Let me just give you one example of why that makes a significant difference to ordinary American working families who are out there trying to make ends meet and provide enough encouragement to a child in their family to get them through school, to get them through high school and get that diploma and have an opportunity to go on for some type of advanced degree, perhaps go to college, perhaps get a good technical degree, whatever the choice might be, hopefully to get them all of the education that they need and can use. What impact does this hurry-up-and-stop type of Government have on our educational system?

Well, of course, we are dealing with an educational system that is already facing severe cuts under this Republican budget, a budget made necessary and cuts in education made necessary because of the desire of the Republican leadership here in the House, the Speaker, to provide tax breaks to those at the top of the economic ladder and to give to the Defense Department not just what it asked for but \$7 billion more than it asked for this year.

With that kind of approach, education already has obstacles, already has cuts, but what it has now is not the pursuit of knowledge for American families and American young people but a lack of that knowledge, the lack of knowledge as to what will happen after March 15, what will happen for the rest of this year.

We are at that point in the college year, I remember how it affected my family, when my daughters were looking for those college notices that are coming out or being issued by colleges and universities around the country at this time of the year. They sit there and they wait, after they have spent all the effort, they have sent in the application fees. They have filled out the applications. They have gotten the reference letters from teachers and from individuals for whom they have worked or that have knowledge of their abilities. And they are waiting, hoping that that envelope will come and will say that they have been accepted to the college or the university of their choice. But now the question is not simply did I get in but will I be able to afford to go, because the effect of the hurry-up-and-stop Newt Gingrich approach to our Government this year is that the Department of Education is unable to fulfill its responsibilities to outline what kind of Federal financial assistance is going to be available for students.

Many financial assistance officers at colleges and universities across this country, I have talked, for example, with the officer at the University of Texas in my home town of Austin, with Austin Community College, which has many students that rely on Federal financial assistance. They cannot get the information they need to do their job to provide the student and the student's family the information they need to know whether that educational assistance is going to be available. Some students may well have to decide to not go on and get the education they need because they do not think the financial assistance will be there.

Those who talk about our future, who talk about relieving debt from our children in the future, as well we should do, ought to be worried about the kind of future we will have in America, if we have a future in which we deny our young people the opportunity to get the education that they want and can absorb, if they place one obstacle after another in front of young people in this country. What kind of future is this country going to have, if we do not have the educated work force to be able to compete with our economic competitors across the country and how fulfilling a life will many of these young people have, if they do not have the opportunity to get the education that they want and deserve simply because of some kind of political brinkmanship in this House and in this Congress that believes in hurry-up-and-stop Government, that refuses to provide the support for education that we need, the same kind of brinkmanship that risks default in our obligations come the end of February because someone wants to hijack and crowbar the President and load on things like the crown jewel of the contract, rather than tend to business, rather than work and address the affairs of this country?

Mr. Speaker, I see the gentlewoman from Connecticut has arrived, who has been such a leader in the effort both for support of education and to prevent our Nation from having the first default in its history.

Mr. Speaker, I yield to the gentlewoman from Connecticut [Ms. DELAURO].

Ms. DELAURO. Mr. Speaker, I want to say thank you to my colleague, the gentleman from Texas, for taking this time and for the opportunity to talk about a rather extraordinary time, I think, in our Nation's history.

First of all, I do not know that we have seen anything like what has occurred either in the shutdown of the Federal Government twice in a row and now trying to, if you will, have Government by increments here in 2- or 3-month periods at a time, which is incredible in terms of how anyone can really do business in that kind of way. I have often heard from my colleagues on the other side of the aisle that we ought to run this institution like a business. Well, any business that would stop, start, stop, start is not going to see either their goal or the mission of that business carried out or not see, quite frankly, their bottom line grow and increase and provide any kind of profit for that business.

So I do not know what the purpose, except to try to hold the President hostage, that all of this activity has and actually, in fact, the long and the short, you can hold the President hostage, the long and short of it is the President is here, the Members of this House and the Senate are here basically to do public service for the people of this country. It really ties up and holds up the business that we are about, and that is to provide services, whether that is education, and clearly education is the key and the critical opportunity for Americans. It always has been and it continues to be the way in which this country grows and prospers and remains competitive. Like my colleague from Texas, I am sure our own experiences as well as the experiences we want to provide for our own children, I could not have gone to school without student loans. Anyone who will try to curtail that opportunity for either a Pell grant or a student loan or a direct lending program to make it as easy as possible for working middle-class families today to get their children to school really does not understand what this country is all about and is out of touch with the people who have sent them here.

That is what is on the mind of the American public today, an opportunity to be able to see their young, their children compete for the future. It only reinforces what people are thinking about today, and that is that Government is getting in the way of opportunity instead of trying to foster it.

The commentary that I want to try to make here today is something that I find to be almost incredible, beyond

politics, beyond anything. I think one of my colleagues last week said that, and I will quote what this is first and then talk about it, "abdication of leadership." Anyone, anyone on any side of any aisle, Republican, Democrat, independent, et cetera, who would like to see the U.S. Government default in paying its bills and jeopardizing the credit rating of the United States clearly does not belong in a position of any kind of power. They ought to pack their bags and go home. To take the credit rating of the United States, after a proud 220-year history of paying its debts, and to turn around and say that we ought to play chicken with the country's credit rating, again, does not belong in this body as far as I am concerned.

Last month we had House Republicans shut down the Government, again, trying to blackmail the President into signing an extreme agenda. Now they truly are at it again. The crowd that did bring you the shutdown is the same crowd that wants to destroy this Nation's credit rating. Everyone in this country understands credit rating. They know that if you do not pay your bills, somewhere, somehow there is a mark by your name. And the next time you go out to purchase, the next time you go out to try to get a loan if you want to buy a car, if you want to buy an appliance, whatever you want to buy, if you need to get a loan to send your kids to school, when that comes up on the computer and it has that mark, they know that you are a bad credit risk.

What we are doing here is saying, let us turn the United States into a bad credit risk.

Let me say that 220 years is a long time and much has changed. Quite honestly, at one time we had an America that was led by Madison and Jefferson, who got to be known as our Founding Fathers of this great democracy. Quite honestly, today what we are left with are GINGRICH and DOLE, who seem intent on becoming the deadbeat dads of democracy.

What was important in this issue on the credit rating is how the effect of this credit rating and defaulting on that credit rating has to do with working middle-class families in this country. I think it is important to note and for people to know that if we default on paying our bills, what the effect of that is to working families.

Raising mortgage rates for home owners, that is what it is about, denying tax refunds to hard-working Americans. We had one of our colleagues who said that the Republicans are so committed to their blackmail strategy that they would be willing to allow the Government to default, even if it means that they will have to delay income tax refunds next year.

Now, my gosh, that is the kind of thing that people wait for every single year. It is important for working families to understand that those interest rates, which will go up, will cause an

increase in that adjustable rate mortgage. It will cause an increase in their loans that they have taken out, if it is on their cars, if it is on student loans, if it has to do with any of their credit cards. That is what will happen. Their interests rates will go sky high.

It is interesting to me that it was last week that the Moody's investor service warned that it was considering lowering the U.S. credit rating because of this threat. I think everybody in this Nation knows what junk bonds are, not worth the paper they are written on, and what has happened in that market over the last several years.

Well, the moving of this credit rating down by Moody's, they did not say exactly junk bonds but it would just be just slightly above what junk bond status is. That means for now, and often people do not understand how long that stays with you. As your own credit rating stays with you throughout your lifetime, if the United States' credit rating is lowered and if we default, that will be, for a future we cannot even imagine in terms of how the rest of the world will regard the United States in terms of paying its bills.

Mr. DOGGETT. Mr. Speaker, indeed, there is in this country for individuals a whole credit counseling profession; that is, a group of individuals trained in counseling people about their credit needs. But there is no credit counselor available for a nation as large as the United States which for the first time in its history, through various political shenanigans, would default on its obligations.

□ 1600

I know the gentlewoman referenced the action of Moody's. The reaction of one banker to Moody's comment that it would be placing this Nation on a credit watch, potentially, was the whole notion that U.S. bonds are on some kind of credit watch is wild. This is the kind of thing that happens to some companies, not to the United States. It is embarrassing, and it is embarrassing that a few people who call themselves leaders would countenance jeopardizing the full faith and credit of the greatest Nation in the world by doing this kind of thing, is it not?

Ms. DELAURO. Mr. Speaker, folks can say that those of us who are speaking here, that we are partisan in some way, and that this is not accurate, but let me just quote from this. This is a November 9, 1983 quote from the then Federal Reserve Board Chairman Paul Volcker to the then Treasury Secretary Donald Regan:

The failure of the Congress to act on the debt ceiling would in either case create great uncertainty and confusion in banking and money markets that count on timely payment, and in individual cases could result in hardship. In addition to the broader implications for confidence in the government's credit, a failure to increase the debt limit would not only create havoc in the payment system because of the necessary delays that I have outlined, but it would also undermine confidence at home and abroad in the government's ability to manage its affairs.

A November 11, 1983 letter from the then Attorney General William French Smith to the then Republican Senate majority leader Howard Baker:

It is extremely doubtful that any action to stop issuing checks or determining payment of benefits conferred by law would, in these circumstances, be effective to ameliorate, much less solve, the extraordinary crisis that would be presented should the Congress not raise the debt ceiling. No responsible government should place itself in a situation in which it would default on its obligations. I therefore urge in the strongest possible way that the Congress act to spare our citizens from the hardship, the flood of litigation, and the unprecedented constitutional crisis that would be threatened by the inability of the United States to meet its financial obligations.

Mr. Speaker, people who do not understand the import of this, I will repeat, do not belong in a position of responsibility or a position of power, and certainly not in a position of leading the United States Congress.

Mr. DOGGETT. Of course, Mr. Speaker, the gentlewoman referred to partisanship. There is nothing partisan about the fact that six or seven prior Secretaries of the U.S. Treasury, Republicans and Democrats, have basically said, "Don't do this. This is too important to play political games. Do what is right for the future of this country," a concern that I know is shared by my colleague, the gentleman from Hawaii.

Mr. Speaker, I yield to the gentleman from Hawaii.

Mr. ABERCROMBIE. Mr. Speaker, I appreciate the gentleman for yielding on this point, because I think he has been not only eloquent in making the presentation day after day, not only has taken a leadership position on the question of the debt, but he has helped to make a point very clear.

I would like to reiterate it at this juncture by way of asking a rhetorical question of the gentleman from Texas, precisely because I think he has made the case on the face of it for not getting into a situation in which we attach other elements, attach other items to the debt limit bill.

Would the gentleman agree it is fair to say that he certainly has tried to make the case that this debt limit resolution should be dealt with in and of itself as a consequence of the necessity of dealing forthrightly with our credit standing?

Mr. DOGGETT. Unequivocally, and then let these credit issues, many of which are important, some on which you and I agree with our Republican colleagues on and some we disagree on, let us get those disputes resolved in the appropriate manner, rather than risk the creditworthiness of every citizen of this country.

Mr. ABERCROMBIE. Would the gentleman agree, Mr. Speaker, if he would be kind enough to yield a bit further to me, would he agree that when there is an attempt to deal with balancing the Federal budget and attaching that or some element of that process to the

debt limit process, that we are not only confusing the issues, but in fact, we are retarding the process?

Specifically what I mean here is that the gentleman from Georgia [Mr. GINGRICH] has stated that the capacity to balance the Federal budget has failed for this year, and therefore, he wants to make what he terms a downpayment on this balanced budget, utilizing, utilizing the debt resolution as the vehicle for this.

My contention would be, and I would be interested in the gentleman's reflection and observation on it, quite the opposite is the case. The President, and the gentleman and the gentlewoman from Connecticut [Ms. DELAURO] have been on this floor with me many times in this special order process, and I think we would agree, and I think the RECORD would reflect, that over and over and over again at that podium and at that podium on the other side of the aisle the mantra was enunciated: "Give us a balanced budget as scored by the Congressional Budget Office in 7 years, to be enacted in the year 2002, and that's the end of it for us. That is all we want the President to do. That's all we want the Democratic Party to do, give us a balanced budget in 7 years as certified by the Congressional Budget Office."

Now, my understanding is, and I think I can read as well as, certainly, the Speaker of the House can, I think my academic credentials are in at least as much order as his, the President did precisely that. He presented a 7-year balanced budget as certified by the Congressional Budget Office. The problem was the Speaker did not like the numbers or how it was achieved, so he moved the goalposts.

Mr. DOGGETT. The problem was, as the gentleman will remember, that more than anything else, he did not like the fact that the President of the United States absolutely refused to join him in his determination to let Medicare wither on the vine. And when the President said, "No, I do not want Medicare to wither on the vine," as the Speaker had committed, as Senator DOLE, who said he was so proud to have voted against Medicare when it was created in 1965, then they started talking about entitlements, and what they really meant was they were entitled to a crown jewel of tax breaks for those at the top of the economic ladder. They had to savage Medicare in order to do it. And if they could not get that, they really kind of lost their interest in a balanced budget.

Mr. ABERCROMBIE. So they really did not have the balanced budget in mind as much as they had the destruction of these programs, the reduction of these programs, at the very least, which is what they had in mind. They were upset, the Speaker was upset because the President managed to do as he was asked by the Republican Party and still balance the budget in 7 years with the Congressional Budget Office certification, and save, in the process,

the programs for environment, education, Medicare, and Medicaid, that he said would be his bottom line. He managed to do that.

Now, the fact that the Speaker is upset that the President actually accommodated him on what was requested, he is attempting to recoup by attaching his desires not with respect to a balanced budget, but some new prospect for a balanced budget that remains beyond me in terms of how he wants to accomplish it, by attaching it to the debt resolution.

Ms. DELAURO. Let me just go back a step with the gentleman, because he has made the point very, very well. I think what we have found in this process with the rhetoric of a balanced budget, that that in fact was what it was all about. It was not a balanced budget, but as you have pointed out and our colleague, the gentleman from Texas, has pointed out, it was the crown jewel. It is the tax break, in addition to which the President laid down his 7-year balanced budget under the economic assumptions that the Republicans called for, and he even included a modest tax break, for working families.

That is not what the issue is, the issue is how you get to the tax break for the wealthiest Americans, so it is not a balanced budget, it is that tax break that was at stake, and in order to pay for that tax break, where do you go? You turn Medicare into a piggybank, you turn Medicaid into a piggybank, you decimate education, and you look at the environment.

Now, having moved the goalpost, as you said, what they have tried to do is politically to come around the corner, because they have now backed off a 7-year balanced budget CBO scoring, because the President met that, so they cannot get out of that box now, and what they are trying desperately to do is to figure out a political way that they can try to maneuver. They want to talk about now muddying the water on the credit rating of the United States by putting this half-baked, if you will, notion and trying to muddy up the debt limit with this, once again to try to do something piecemeal that makes no sense at all in the way of holding up either the Government, or holding up the appropriations process in order to deal with the budget. You do not have to do that. You can have your differences on the budget and have Government move forward. Now they truly are, again, playing political chicken with the credit rating of the United States with this half-baked idea.

Mr. ABERCROMBIE. On that point, will the gentleman yield one last time to me?

Mr. DOGGETT. Certainly.

Mr. ABERCROMBIE. I would like to ask him to comment and make such observations as he will.

Is it not then the case, keeping in mind what the gentlewoman from Connecticut just outlined, that fundamentally what they are trying to do with

the debt limit hike here is attach their tax cut for the wealthy and tax credits with respect to child care, if that is what they have in mind, which does not address either the short-term or the long-term needs with respect to child care, and if anything, is just the down payment on more indebtedness?

So if we are to deal with the debt limit hike in and of itself, that is one thing, but if we are to deal with these other issues and attach it to it, is it not the gentleman's position, as it certainly is mine, that any attempt to attach a phony tax credit bill or some kind of tax giveaway is inimical to solving the debt limit problem, and in fact, will work against the best interests of the United States?

Mr. DOGGETT. Absolutely. And I appreciate very much the gentleman's insight on this issue this afternoon. This is not a time that the American people are demanding more tax breaks and loopholes in our Tax Code. They are demanding equity. They would like for us to move forward.

The President of the United States came here to this very body last week. He was conciliatory. He asked for a bipartisan effort. He recognized that neither party has a monopoly on wisdom, and asked us to work together to solve the problems of this country. But the first thing he indicated was in doing that, let us not have any more of these silly crybaby shutdowns of the Government. Let us not threaten the full faith and credit of this country. And the reaction, as the gentleman from Hawaii has pointed out, of the Speaker of the House is nothing short of bizarre.

At a time when the President comes and says, "Let us work together," and everyone smiles and claps and says, "Yes, let us do it," and the President says "Yes, I will agree to a 7-year balanced budget; we will even let your people calculate the numbers, using your numbers to get the 7 years," and as soon as he does that they begin to back away from the whole notion of a balanced budget and saying, "We want not a balanced budget; what we have in mind, instead of bringing the deficit down, is to have a downpayment."

What kind of a downpayment is it that they propose? A key element of this downpayment is not bringing the budget deficit down, but increasing it by having an election year, or election eve, actually, tax break announced. I know that is troubling to the gentleman from Connecticut as well.

Ms. DELAURO. It is, and I would just say, Mr. Speaker, it is very, very interesting, that to add this piece to the debt limit, because the fact of the matter is that if we default on an adjustable rate mortgage, that could go up around \$1,200 to a family. We are talking about \$125, as an election eve tax break for people, and it is mindless when you think about it in terms of a \$1,200 potential increase on your mortgage payment if this country goes into default. So that it is one more of a political posturing once again to try to

blackmail the President, to blackmail the Congress.

I concur with my colleague, that the President was here last week and talked about a spirit of coming together, of looking at ways in which we could work together on some of these issues for the good of the country. We have the continual mantra, as our colleague, the gentleman from Hawaii, said, that says, "No, we do not want to do that."

What is also interesting to me is it is a very explicit strategy, this is not being hidden or covered up, where there are a number of Members on the other side who are just saying, "Yes, what we want to do is to use this as leverage, to use it as blackmail, to use it to get the President to move." To move on what are we talking about now, because the President in fact laid down a 7-year balanced budget certified by the Congressional Budget Office. So in fact, the debate has ended. It is not the numbers. It does come down to what my colleague was talking about earlier, the values of this Nation, the priorities; what are the things that we do hold dear, what are the areas in which we want to build on?

That has to do with a dignified retirement for people who have worked hard all of their lives, played by the rules, and they are deserving. They have paid a price. They have paid all these years. What about education, allowing people to be able to get the skills training they need to go to college, to get their kids to college, to be able to know that if they do have to leave a job, they can get the kinds of skill training that is important for them to succeed to grow the economy; to make sure that people have wage increases and a raise at the end of that year.

Those are the issues and the things that people are concerned about. Government today is turning its back on people and not understanding that those are the directions that we ought to be going in, and not playing these silly games that people are trying to play to shut down the Government, to have the United States default on its credit limit.

□ 1615

The public is deeply concerned about their future and what it is all about. Working men and women are frightened to death that they are not going to be able to give their kids, or the kids are not going to have the same opportunities that they had. That is what we need to be talking about today.

Mr. DOGGETT. Surely in a Nation as great as these United States, we ought to be able to achieve the objectives that the gentlewoman has so eloquently described to protect the retirement security and the health care security of those who have served our country and been our strong citizens and to provide opportunity to our younger citizens so that they might have an even better tomorrow. That is

what is being dashed in this budget debate in order to give more tax breaks and loopholes to those at the top of the economic ladder; it is to sacrifice the great American middle class, and those struggling to get into it, that these budget priorities are providing.

Mr. Speaker, the gentlewoman referred a few months ago to this whole question of leadership and the fact that the leaders ought to get out of the way of, really, the will of this body. I know the gentlewoman is acquainted with a number of Republican Members of this body who would like to be responsible. In fact, I think if tomorrow morning, when we come in here, we had a provision to make the adjustment in the debt limit in order to assure the full faith and credit of this country, and we did not have Speaker GINGRICH twisting arms and the whip whipping them over there and threatening not to show up at fundraisers and doing all of the other silly things that have occurred over the last few months, there are Republican Members of this body who would join with a near-unanimous Democratic caucus, and tomorrow morning, we would not risk the full faith and credit of this country; we would protect it with a bipartisan vote.

But we cannot seem to get the leaders out of the way. The leaders continue to block and obstruct and pressure and cajole their caucus to avoid dealing with this problem until we get right up to the cliff and are almost ready to be pushed over by this kind of kamikaze mentality, that we can risk anything in order to accomplish political objectives.

Ms. DELAURO. Mr. Speaker, I went over to the veterans hospital in my community to say thank you to the people who worked there during the shutdown, at the outset not knowing whether or not they are going to get paid. A young woman there was very eloquent. She said, this is not a game.

There are some people and the leadership in this House and some who are an extreme, self-styled, revolutionary band who view this as a game. She said, this is not a game. People's lives are at stake. People's livelihoods are at stake. She said, please carry that message back. She summed it up.

The public is very aware of what is at stake. It is not a zero-sum game. If you do not like things, you just do not pick up the ball and go home. That is not what this is about. That is not what we are sent here to do.

We have an obligation to lead and to negotiate and to make compromises sometimes and talk together so you further the agenda of the American people. I said at the outset, in my view, I think we do have an abdication of leadership here at the moment. I was reading in the newspapers over the weekend that I think a number of the Republican freshmen had a retreat and there were some ideologues who went to address them and who said to them, do not compromise. Do not back down. Continue to fight.

No balanced budget, no dealing with the credit rating of the United States. Hold the President hostage. Keep doing this.

I am hopeful that these folks were not listened to, that we can in the next several weeks, though we are not going to be in session, which is unbelievable, that the Republican majority would send Members home when it is not clear what is going to happen, dealing with the credit rating of the United States in the short term here.

I was hoping that people would come back with a kind of a zeal and an effort to try to see if we can continue the dialog and the conversation and bridge the gap and move forward. I think the gentleman would agree that that is what we are sent here to try to do.

Mr. DOGGETT. Sometimes you get the impression that it is almost un-American to work toward common ground, to try to resolve differences, to have some give and take, to realize that there is no party that has a monopoly on truth. There are insights we both have to offer, and that we could work together surely to protect the full faith and credit of the United States.

Surely, as is the case with your veterans, workers there in Connecticut, I had the same experience in Austin, TX. Some of our Veterans' Administration employees were there working without pay; others, denied the opportunity to work, were actually in the process back in December of developing a food bank, not for people outside of the Veterans' Administration, but just so there would be food at Christmastime and before Christmastime for those who serve the men and women who risk all in order to protect this country.

The whole notion that we could be here even today debating whether or not we would risk the full faith and credit of the United States about whether or not people that serve our veterans, whether it is in Connecticut or in Texas or anywhere else, might be facing another situation where they are worried about having a food bank instead of serving our veterans, would be, you know, it would—it just sounded like another crackpot idea. But now crackpotism seems to be in up here.

Ms. DELAURO. It is in vogue up here. It is very simple to take a look at this debt limit. We need to just say to people that to substitute credit rating, debt limit, debt ceiling, just put that out of your mind or understand it as credit rating. All that is being asked for here is, please, send the President a clean bill with no whistles and bells on it or anything else, so that we can really stay with the full faith and credit, maintain that full faith and credit of the United States, maintain that to the rest of the world, to the bond markets here, to the citizens, the working, middle-class families every day who do not want to see their mortgage rates or their car payments or their credit card bills go up. That is not what they want.

When the public sometimes observes the process here, I know I get and I am

sure the gentleman gets in his district, people say, well, why do you keep attaching this to a bill or that to a bill? Why can you not just say or do what you are going to do?

This is exactly what this situation is about. This is to try to turn this borrowing authority bill into a Christmas tree, to put all kinds of things on it for whatever political motivations are out there, which we have talked about. But the argument is simple; I know that the gentleman shares this sentiment with me.

I really plead with my colleagues on the other side of the aisle, and there are some who are there already, to say, make this a clean piece of legislation, do not dress it up, dress it down, put all kinds of things on it that ultimately turn it into something else and put in jeopardy the credit rating of the United States. It is a very simple argument, as I think the gentleman would agree. It is an easy one to understand, I think, by the public, and they are going to understand it.

Mr. DOGGETT. Well, I think they are. I know that in my hometown of Austin, TX, the newspaper editorialized just within the last week under the title, "House Republicans Get Burned." They said,

"Republicans in the U.S. House of Representatives, like hardheaded children, had to learn the hard way this week that there are serious consequences for serious misbehavior. They have been playing with fire for months now, threatening to allow the Nation to go into default in order to accomplish political objections.

This week they danced too close to the flames and got burned by refusing to compromise with President Clinton on a temporary extension of the country's debt limit. The House Republicans placed the Credit of the entire country in jeopardy.

"It is foolish," this newspaper says,

In the extreme, for a small group of representatives with only a year in office to threaten financial default as a political strategy. That gambit had "loser" written all over it since last fall, but new Members, so blinded by narrow ideology, just could not see it.

It seems to me that comment from deep in the heart of Texas is exactly the kind of viewpoint that you are hearing from your neighbors up in New England.

Ms. DELAURO. Just to say, it is Texas, it is Connecticut, this is an editorial from the Hartford Courant from the end of last week:

There they go again. Congressional leaders have a penchant for irresponsible comments about the ongoing budget crisis. Recently House Speaker Newt Gingrich's remarks that there probably would not be a budget agreement until after the November election caused the stock market to plunge by almost 100 points.

Now House majority leader Dick Armye is demanding, "substantial budget concessions from President Clinton if the House is to raise the Federal debt ceiling so that the government can pay its creditors."

It goes on, for example, the comment here is that

The stakes are high. If the government defaults on some of its bonds, investors, includ-

ing both Americans and foreigners, will demand much higher interest rates to compensate for increased risk. Such an event could trigger runaway inflation. All investors' holdings would lose value, which would mean financial devastation from Wall Street to Main Street. If you keep it up, Mr. Armye, everyone will get burned. You are playing with fire.

I mean in Texas, in Connecticut; I have to believe that this kind of editorial is being written all across this Nation.

I have been talking to mayors and first selectmen and women in my community. I am sure the gentleman is doing the same. Towns, cities issue bonds, school bonds, all kinds of bonds, municipal bonds. They are worried.

I would just ask the gentleman about his localities, if they are concerned about this default and what it means in terms of what our States and cities are going to face with this.

Mr. DOGGETT. Well, certainly they are concerned about the impact, and particularly as responsible officials, they would be run out of town with the accountants defaulting on the local obligations of the school district or the city or the county hospital or the like. The very notion that just because the U.S. Government is bigger and the egos of some of the people involved in it are bigger still, that we could countenance the default on our obligations, it mystifies most of the people that I visit with.

The Hartford editorial to which you referred seems to me to imply something else that is very significant, that while we have until perhaps March 1, the estimated time of actual default, that given all of the world pressures, the way people in Japan that hold our debt or in some other part of the world get skittish about a rumor they hear, we do not know from one day to the next what the consequence of this political irresponsibility might be, but we do know it is not going to be good.

Ms. DELAURO. Just that point again which I made earlier, and I think my colleague would agree, we have heard over and over and over in this body that we ought to run the U.S. Government as a business; and that was an argument for balancing the budget that everybody does this, we have to do it, we have to put it on a business footing.

How can a business, any business, make good business decisions, one, as I said, if you are opening and closing or opening some directions or initiatives in your business over a 6-week period or over an 8-week period, and then you shut it down. Who has confidence in any business that does not know what direction it is going to go in, whether or not it is going to shut down; or the long and the short of it, whether or not it is every going to pay the financial obligations that it incurs? What kind of a business is that? You would be out of business in a second. Nor would you give any credit to that business.

We have small businesses going to get capital every single day. They try to get loans from banks. Can you imagine? Can you imagine what that means

if you have a record that shows you stop, you start, you let some people go home, you do not know where you want to go in the future, that you not pay your bills?

□ 1630

My God. The bank will say, "What kind of a risk is that? We're not going to deal with this individual."

Mr. DOGGETT. And how truly ironic that this is happening at a time when Vice President GORE has done such a wonderful job with the reinventing Government initiative, when this administration has actually brought down the size of the Federal work force, when we have some really creative efforts underway to try to ensure that the American taxpayer gets a full dollar's worth from Government, that Government works more efficiently, that we search out those departments that are not doing their job and change things there. Instead of working to see that our Government that is essential works better, we end up with this hurry up and stop kind of government that cannot help but destroy employee morale, make for greater inefficiency.

I am sure that your office, like mine, is frequently involved with working with citizens that have a problem on a Social Security check or a veteran's benefit or a problem with some other Federal agency where we are trying to assist the citizen in working with their Government, and it is difficult to get timely responses for citizens from agencies that are closed one day and starting up the next and not knowing whether they are going to be there the following month.

Ms. DELAURO. That is precisely it, because people are almost—I find this, I know you do—losing confidence in what Government is about. That is the tragedy of all of this, when you can have a conversation about a role of Government and what role that it does play, but every single day that these kinds of things occur here, there is less and less confidence in what the Government is able to do, and in terms of trying to assist people to do what they want to do, not to do it for them. That is not what it is about, but to assist people, whether it is, as I said, in retirement or education.

One of the other pieces of this, which I do not know if it was mentioned in this discussion, is that come March 1 there are billions of dollars in Social Security payments that are supposed to go out, veterans' benefits, including the payments to our young men and women who are serving in Bosnia. If the Government defaults, as the current strategy is, none of those payments will go out.

Mr. DOGGETT. The gentlewoman will remember that in December we got within hours of a delay or stoppage in benefits for our veterans, and only because the gentlewoman and others of us took to the floor to emphasize the disaster that would occur if this shut-down continued were we able to get

legislation enacted within less than a day of the time that, had it not been enacted, those benefits would not have been there when the people needed them.

Ms. DELAURO. I would just like to thank my colleague for taking this time to have us have a conversation and discussion. I think once again it comes down to why people do send us here, why they put their faith and their trust in all of us. They give us a tremendous amount of responsibility and of power and of leeway to work on their behalf.

I think that it is this kind of abdication of leadership by the Republican majority in this House and the Gingrich leadership that makes people feel that why should they bother, why should they participate in Government, why should they trust a Government that will be willing to put them in economic difficulty, jeopardize them and their families. That is not what this is all about. But what the Gingrich leadership in this House wants to do is precisely that, is to put the United States in jeopardy as Nation but, more importantly, to put the people of this country and their families in economic harm.

Mr. DOGGETT. Very well put. I thank the gentlewoman for participating. Let us address the question of this Nation's creditworthiness this week and not jeopardize it further.

ABERCROMBIE APPEARS ON SPEAKER'S LIST

The SPEAKER pro tempore (Mr. YOUNG of Florida). Under a previous order of the House, the gentleman from Hawaii [Mr. ABERCROMBIE] is recognized for 60 minutes.

Mr. ABERCROMBIE. Mr. Speaker, I come here today in a rather interesting position, having recently been the recipient of what might be regarded, and I do regard it as a compliment.

You may recall that in years past there was a so-called enemies list that President Nixon ostensibly had, the Nixon enemies list, and people after awhile were quite pleased to have been on it, and those who were not on it were a little bit disappointed. Well, I take it similarly as a compliment to be on Mr. GINGRICH's target list.

Mr. Speaker, I notice that one of our colleagues has come to the floor. I take it that he is maybe making an inquiry whether he might have been able to take some of the time from one of the previous speakers from the Republican side.

Have I guessed correctly on that?

Mr. SHAYS. If the gentleman would yield.

Mr. ABERCROMBIE. Yes, I will.

Mr. SHAYS. I would love to have some time. You have an hour, we have an hour afterwards. Just curious how long you might be going.

Mr. ABERCROMBIE. I just started because you folks missed your time.

Mr. SHAYS. You can have it.

Mr. ABERCROMBIE. But I tell you what. No, I understand that running-down-the-aisle situation.

Mr. Speaker, if it is all right with you, I would cede a half-hour of time right now to my good friend.

Mr. SHAYS. I would be happy to come back in a half-hour, if the gentleman would like to speak, and I will come back in a half-hour.

Mr. ABERCROMBIE. All right.

Mr. SHAYS. Thank you very much.

Mr. ABERCROMBIE. Of the 60 minutes, I would like to cede 30 minutes to my good friends.

The SPEAKER pro tempore. The gentleman from Hawaii is recognized for 30 minutes minus the 2 that he has already used.

Mr. ABERCROMBIE. Thank you very much, Mr. Speaker.

I think that was a good example, Mr. Speaker, of the fact that we do have comity on this floor. Some of our colleagues might think we are spelling that "comedy" rather than "comity" but I think that you and I both are committed to this institution.

I have been the beneficiary of your wisdom, Mr. Speaker, and your leadership in this House, and I would hope that I could make a similar contribution in whatever role I find myself on this floor or in any committee, in any post. I think we both view this as a privilege that has been given to us, an honor bestowed by the voters in our districts. But as I indicated, nonetheless, this is an institution in which the politics of this country are played out in a setting which I think is most appropriate for coming to those decisions.

In the process of engaging in political debate, inevitably sides are taken. I think perhaps that is one of the reasons why for some individuals they fail to understand that, the proposition, well, why can they not all get along? Why is there what is called bickering?

I would hope, Mr. Speaker, you and I have never been in a position of bickering with one another. I think we have probably had a division of thought and philosophy and possibly policy at one time or another, and other times we were not only able to agree but to work in concert with one another toward a common goal, seeking to achieve it. Nonetheless, there are different political philosophies that are put forward by individuals who put themselves up for public office, and people make a decision on those philosophies.

So as a result, we often find ourselves in opposition to one another, not necessarily personally, Mr. Speaker, but in terms of political parties and policies that might or might not be pursued.

I say all of this by way of preliminary remarks because, as I indicated before my friend from Connecticut came to the floor, there was this list that was put together. I suppose it had a bit of drama attached to it because of the press, journalists categorizing it a certain way, but it was called the enemies list and it was associated with

then-President Nixon. Some people were wont to even brag a little bit after that list became known, that they were on that list, and it was a source of some disappointment to some people that they were not on the list.

Well, for the 1990's, we have a list, too. The Speaker of the House, Mr. GINGRICH, has put together a list, a target list, for next year—I should say for this year, rather—for the congressional elections this year, some 20 to 30 Members of the Congress who are being targeted by Mr. GINGRICH for defeat in November for one reason and another, I presume perhaps because of opposition on policies, perhaps, I would hope, effective refutation of the Speaker's positions.

In any event, I find myself on that list. I am one of the Speaker's targets this year. I am on the Gingrich target list. I do take that as a compliment. I am very pleased to be on it. I trust and hope that perhaps some of the commentary that I have been making on the budget, and on what I see as the lack of solid policy on Mr. GINGRICH's part and his leadership with respect to the budget, I hope that some of the things I have had to say have led him to designate me as a target in this upcoming election.

I am very pleased to be recognized. It is not always those of us from some of the smaller States at such great distance, particularly being out in Hawaii, where we would certainly welcome the Speaker after the election in November, hopefully as the ex-Speaker. We will be happy to have him come out and take a little rest with us out there, and I will be happy to provide some hospitality for him, and I certainly hope to be in the victors column when that election takes place despite being a target.

But I bring this up about being a target because I do not want to deceive any one of our colleagues who may be tuned in, or others who may have access to our deliberations here, that I am anything other than partisan when it comes to defending what I believe are the interests of the people of the United States, the public interest of the United States with respect to the budget and with respect to the other issues that I have a difference with the Speaker on, and apparently have contributed to me being this target.

As the target, I invite the Speaker yet once again to come to the floor. I have done this in the past and do it now.

I recall at one point being in the chair, even as the Speaker is now, and had the opportunity to listen to with great interest, Mr. GINGRICH's recitation on various subject matters having to do with policy. He has indicated that as Speaker that he does not deal with the day-to-day floor activity here. He has entrusted that to Mr. ARMEY and his whip structure.

He says now that the deal, the supposed deal or the possibility of a deal on the budget has broken down with

the White House. So he does not have anyplace to go, I guess, in the afternoons now that he is not speaking with Mr. Clinton, so he should have the time to come down here.

Inasmuch as I am going to be a target, I would like to deal with the issues that apparently have upset him, particularly with regard to the budget or any other issue that has caused me to be put into this position by Mr. GINGRICH. I invite him to do so. I would like to think that our academic backgrounds, perhaps, might be an inducement to lecture. I suppose some people might see what we are doing here in special orders as lectures, but that is all right. I think it is good to have the opportunity to lay out, in a detailed and comprehensive way, one's position.

So I invite him once again and would be happy to see him and yield him time, any time that he wishes to take advantage of it.

□ 1645

In the meantime, let me then state a couple of propositions with respect to the budget process and build upon the commentary that I have made to this point. Mr. Speaker, perhaps you recall a bit of my discussion with the gentleman from Texas, Mr. DOGGETT, in the hour just passed in which I indicated that I thought perhaps, I will not say the Speaker, Speaker GINGRICH, misspoke himself, but perhaps I would characterize it as being a bid disingenuous in indicating to the public that he thought that it was not possible to have a balanced budget agreement with the President this year.

Now, I am sure you will agree, Mr. Speaker, that I have been very reluctant to endorse the bona fides, if you will, of a 7-year balanced budget agreement, whether it was certified by the Congressional Budget Office or by the Office of Management and Budget which is the Executive accountants, if you will, the scorekeeper. The Congressional Budget Office is our; the Congress', the Legislative scorekeepers. I am reluctant to believe that this could be done without causing a great deal of pain regardless of whether it is a Democratic budget, Republican budget or anybody else's budget. But nonetheless, the indications from the Republican side of the aisle, from the office of the gentleman from Georgia [Mr. GINGRICH], was that if the President would only present to the gentleman from Georgia [Mr. GINGRICH] a 7-year balanced budget as certified by the Congressional Budget Office, that that would be sufficient unto the day, that would involve the kinds of savings the Speaker was looking for, et cetera. Over and over again, the gentleman from Georgia [Mr. GINGRICH] and other Members of the majority would come to the floor and state with no equivocation, "Just give us a 7-year balanced budget as certified by the Congressional Budget Office, and have got a deal."

Well, Mr. Clinton did that. I have my reservations about the bookkeeping, as

I indicated, in that just as I do with the Republican proposal. I think I have gone over that in detail before. There are all kinds of gimmicks associated with it. There are all kinds of bookkeeping maneuvers and tricks, all kinds of accounting gambits that put such a budget together.

For example, what is called backloading or a look-back provision; in other words, you do not really make the savings until 3, 4, 5, 6 years from now when you have already gone through a presidential election, when you are going to go through two, possible three, congressional elections, when you cannot quite be sure what the economic stability or instability of the country might be.

Mr. Speaker, I noticed my good friend from American Samoa is here. I noticed that you had called his name previously, and he is only able to arrive right now.

Mr. Speaker, I yield to the gentleman from American Samoa.

Mr. FALEOMAVAEGA. Mr. Speaker, I just want to, if I could, have a dialogue with the gentleman on the topic he is just taking up. I will ask for my own time at a later point in time.

I thank the gentleman for bringing the issue up and his interest. He wanted to conduct a dialog with our Speaker, and given the fact that we have had some very serious problems with our budget, and I noticed earlier that the gentleman mentioned about the 7-year cycle that our Republican friends have advocated so strongly for the past several months, that it is as if we have got to have the 7-year balanced budget.

Can I ask the gentleman, to his knowledge, where do we come up with this number 7? Is it so much that it has to be 7 years? Are there assurances without 7 years we will never have had a balanced budget? Why can we not do it in 5 or 10 or 8 or 9?

Mr. ABERCROMBIE. The answer to that question comes from the gentleman from Georgia [Mr. GINGRICH], and he said that he felt that the 7-year was intuitive on his part. Now, if intuitive is taken to mean generally or generically a kind of sense that this was the right time, a kind of emotional and mental guesswork, that might be the correct phrase, but I think he intuited, I would project, that this was the number of years in which the kind of accounting gymnastics that I have mentioned would allow him to say that the budget was balanced even only for the briefest of bookkeeping moments.

Mr. FALEOMAVAEGA. Is it the gentleman's understanding also that our Republican friends did make a request to our President, come up with a 7-year budget plan and we will consider it, and did not the President issue a 7-year budget plan?

Mr. ABERCROMBIE. That request was made of the President over and over and over again, and obviously a brief reading and overview of the general press will show that he did, in fact, do exactly that.

Mr. FALEOMAVAEGA. What were the objections that our Republican friends now have with the President's proposed 7-year budget plan?

Mr. ABERCROMBIE. Well, they did not like the numbers. After all, it did not do to Medicare what they wanted to do.

Mr. FALEOMAVAEGA. But it did provide a 7-year balanced budget?

Mr. ABERCROMBIE. Oh, yes. It gave them exactly what they wanted. As you know, the old saying is be careful what you ask for, you might get it. That is exactly what happened. What they asked for was a game plan according to the rules that they said they wanted established. The President appeared on the field with that game plan, and I am sorry to say some of our poor Republican friends then turned around to their quarterback, but he had left the field after moving the goal posts and was now hiding in the locker room under the bench.

Mr. FALEOMAVAEGA. So now what are our Republican friends trying to do to off-balance what the President set out? "Here is your 7-year balanced budget plan." What are they going to do now?

Mr. ABERCROMBIE. Of course, they are claiming now a deal cannot be reached, that we cannot come to an agreement even through the American people in poll after poll and inquiry after inquiry are requesting, is the nicest way I can put it, the Government, that is to say, the Congress of the United States regardless of whether they are Democrats or Republicans, and the Executive in the person of President Clinton, to come to an agreement so that there can be some stability in our economy and in our political life.

Mr. FALEOMAVAEGA. Do you think, in my good friend's opinion, that our Republican friends have a high esteem for education as part of this proposed budget plan that they have in mind.

Mr. ABERCROMBIE. I am sure many of our Republican friends, if not all of them, esteem education, including the Speaker. The problem is not esteem. The problem is paying for it. The problem is setting it as a priority. The problem is do you have education as a priority, or do you have a tax giveaway as a priority.

Mr. FALEOMAVAEGA. That is basically the platform our side of the aisle has in conjunction with the President's proposal.

Mr. ABERCROMBIE. Yes. The proposal coming from the President, with all attendant difficulties associated with balancing the budget, nonetheless, has as its priorities the Medicare, Medicaid, environment and education. Those are priorities that the President has consistently stated from the very beginning as elements which he felt had to be protected in any budget proposal that came forward.

Mr. FALEOMAVAEGA. I thank the gentleman for yielding.

Mr. ABERCROMBIE. I thank you very much.

That bit of Socratic dialog, Mr. Speaker, I think has stated the essence of it.

Now, obviously any of our colleagues who were tuned in can say, well this is just a partisan observation or series of partisan observations by myself and the gentleman from Samoa, and that is OK. It does not bother me any it would be seen as partisan.

The problem is, is it fair, is it accurate, is it factual? I will not say truthful. Truthful is always a matter of debate. What the truth is, is a matter of debate.

I do think that people nonetheless come to conclusions. They nonetheless reserve judgment, if they are prudent, and when they think that they have heard the facts and contemplated the factual basis for a judgment, they then make it.

Now let us take somebody outside the political system itself, the electoral system, and see what they have to say about it. I am referring now to Jodie Allen. I do not know Jodie Allen, if he is male or female. I have not met Mr. or Ms. Allen. All I know is Jodie Allen is editor of the Outlook section of the Washington Post where columnists are found of a Sunday.

I do not blame Jodie Allen one way or another for the headlines. I think, Mr. Speaker, you and I are sufficiently well versed in dealing with newspapers as elected officials to know that the person who writes the story does not necessarily write the headline, and the headline does not necessarily refer to what is in the story, and you can find yourself reeling from what it says, but these headlines over the Allen columns say, "Who won the budget battle?" The sub headline is: "Clinton's phony plan beats the GOP's phony plan." So I would guess that Jodie Allen has not got too much good to say about either. I will not say either of us, Mr. Speaker, but about either of these plans.

But the whole point of the headline, I think, is to try and summarize the position of the Allen editorial which nonetheless contains some very interesting material which I would like to quote very briefly in what will be a series of remarks from me in time to come with respect to the budget and its realities as well as the debt limit and its connection to the budget.

Just the opening commentary, and I am quoting now from Jodie Allen's editorial of January 28 in the Washington Post Outlook section, "To hear the President tell it in his masterfully ingratiating State of the Union message last week, the country came very close to solving its Federal budget problem once and for all."

Quoting further then the President within the column, "'There is now broad bipartisan agreement that permanent deficit spending must come to an end,' said President Clinton last Tuesday evening," again quoting, "'though differences remain among us

which are significant.' He also noted, "The combined total of the proposed savings that are in common to both, that is to say, the White House and the congressional Republican plans, is more than enough using numbers from your Congressional Budget Office to balance the budget in 7 years and provide a modest tax cut. These cuts are real.'" Jodie Allen then goes on to say, "Are they? It is a question worth asking as the country, having clearly decided the President got the best of Congress in the blame affixing event tries to decide whether it should now care that the overall competition has been called on account of political rain. In fact, the details of the competing proposals suggest that at least as far as the cause of fiscal solvency is concerned, less has been lost than either side would care to admit. No doubt some elements in both plans are real enough. Both sides, for example, were and apparently still are, determined to give out a pre-election tax cut, deficit be damned. It is also a pretty safe bet the agreements Congress extracts from the President in return for allowing the Government to keep running and borrowing more money will make substantial cuts in the immediate operating budgets of the many Federal agencies. Beyond that," and I think this is the important point here, I say parenthetically, "Beyond that, things get a lot less real. For example, even had the White House embraced the GOP's harshest cuts, the deficit would still be upwards of \$150 billion this fiscal year and still higher in 1997. By the end of the century, it might or might not dip below \$100 billion. After that further progress against the deficit would likely be arrested and ultimately reversed under either plan" from the Jodie Allen column.

Mr. Speaker, that has been the essence of the observations that I have made from this podium again and again during this whole budget process. I have maintained from this podium, while all of the broader discussion is going on, about the balanced budget and all the posturing was taking place and all the puffed up rhetoric was being stated on this floor and in press conferences and covered by television cameras and radio microphones with breathless anticipation, nobody wanted to talk about the fact that regardless of what kind of balanced budget proposal was coming forward, it was actually increasing the deficit.

□ 1700

I will state without equivocation again: No one can come to this floor, at least no one has to this point, despite my invitations again and again and again, to refute the position that I am maintaining that there has not been a balanced budget proposal put forward by anybody of either party that will stand the scrutiny of an honest appraisal as to whether or not it is increasing the deficit.

It might be possible, Mr. Speaker, to achieve a balanced budget at some

point in the future. Going into debt is no sin and no crime. Anybody who has purchased a home over time or a major appliance, an automobile, et cetera, understands that. In fact, it is encouraged.

The question is, are you able to pay? Can you acquire debt in such a way and such a manner and for such a length of time that enables those or that institution doing the lending to be reasonably sure you are going to be able to make the payment, be able to sustain the debt, and sustain your life and its requirements monetarily.

That is all this is about. I do not think that can be done in 7 years, but I am in the minority. I have been in legislative life in a State legislature, in the house of representatives at the State level and the State senate, in a city council, and in the Congress of the United States. I have been part of the board of directors of nonprofit organizations in many venues, Mr. Speaker. In other words, just about every community and electoral venue there is, I have participated in a legislative function where you had to deal with budgets, where you had to deal with coming to grips in most of those instances with balancing the budget.

I have participated both as the chairman of an authorizing committee and as a member of an appropriations committee in balancing budgets in every legislative venue. So this is not something strange and new to me. I have better than two decades of experience in this area. So I am quite willing to come to grips with the idea that I am in the minority on this floor with the question of the number of years that should be reasonably made available to deal with the balanced budget.

But I am not required, Mr. Speaker, simply because I am in the minority at the moment with respect to the numbers of years that would be required to do this, I am not required in that context to keep quiet about the fact that those who are putting forward a proposal that they can balance in 7 years cannot do it, and that to delude the American people, deliberately or otherwise, I am not trying to at this juncture cast some sort of aspersions on those who say they want to attempt it at least. All well and good, if that is what the proposition is.

If someone wants to come to the floor and say no, I do not think it can be done, or on paper it cannot be done in 7 years if we are being honest about it, and the word "honesty" has been used over and over and over again on this floor, we want honest numbers. If that is the case, fine. You want to make an attempt over 7 years to do it, possibly it could be done. I think it would entail the kind of cuts that would cause incredible pain to people in all kinds of areas.

Part of the pain that would come would come after 2002, after the 7-year period, when I am maintaining, and I think the burden of the rest of the article by Jodie Allen is that once you pass

2002, to the degree that you are able to achieve anywhere near the kind of goal that has been set in 1996 over that period of time, that 7-year period of time, there will be an explosion of debt, an explosion of indebtedness, an explosion of deficit spending.

One of the categories that would, I think, harm us the most would be in Social Security. The Allen article, again I am citing it because I wanted this to be an outside person. It justifies not NEIL ABERCROMBIE by standing up here and tossing out facts and figures as suit me and then could be dismissed as a result of simply being partisan, no matter how accurate it might be. I am citing these columns, and I am glad to see the Jodie Allens and some of the other people I am going to be citing are beginning to pick this commentary up. I will be going over that in greater detail in time to come.

Mr. Speaker, I believe my half hour is almost up. Let me conclude simply by saying that it is not a question of who wins the budget battle, it is a question of who loses. If the American people lose the budget battle, believe me, we all lose here politically. I hope in days to come to be able to shed a little more light on not only what the process is to this point, but what we can do about it in a practical way to bring a successful conclusion to this budget confrontation.

GETTING OUR FINANCIAL HOUSE IN ORDER

The SPEAKER pro tempore. Under the Speaker's announced policy of May 12, 1995, the gentleman from Connecticut [Mr. SHAYS] is recognized for 30 minutes as the designee of the majority leader.

Mr. SHAYS. I thank the gentleman from Hawaii, and I thank you, Mr. Speaker. It is unusual to have a special order with such a seasoned veteran at the helm as Speaker. I thank you for your willingness to take this time from your busy schedule to allow the gentleman from Michigan [Mr. UPTON], and myself to make a few comments about what we have been faced with and what we will be facing in the months to come.

I would start by saying a lot of good people are leaving Congress, a lot of people I have tremendous respect for. One of their comments is they are leaving because it is not a fun place anymore; that there is some animosity between parties and among chambers. I was thinking, you know, the reason goes far more than that, because there is some disagreement that is quite significant.

But I contend that some of my colleagues who are leaving are leaving when we need them the most and when the heavy lifting has really begun. In a way, they are escaping the responsibility for dealing with the crisis that has just been pushed for that next Congress to deal with.

For decades we knew that we were getting ourselves deeper in a hole. At

the end of the Vietnam war, if I went to 1974, the national debt was about \$430 billion. That is the debt, not the deficits. That national debt has grown to \$4.9 trillion, a tenfold increase since the last great war. We have a tenfold increase since the last great war in Vietnam. It was not called a war, but it clearly was a major expenditure on the part of the United States.

So we fought the Revolutionary War, we fought the War of 1812, we actually fought the war with the pirates and their taking some of our sailors in the Mediterranean. We fought the Civil War, we fought the war with the Indians throughout the course of our history, the Spanish American War, World War I, World War II, Vietnam war, the Korean war, and we have a debt of \$435 billion. Then what happened? That debt has just gone up almost exponentially in the last 22 years.

I contend it has gone that way because both Republicans and Democrats have, for whatever reason, agreed that they would not give in on what they did not want to give in on. Democrats did not want to give in on the growth of entitlements, and some of my Republican colleagues did not want to give in on defense spending. They both agreed to deficit spend in the process. We find ourselves in a tremendously difficult situation with a lot of large debt, and now the heavy lifting begins.

We are taking on a lot of special interests, because this Republican majority, candidly, wants to get our financial house in order. Ultimately we can only succeed if the President wants to be part of that effort. He should be an equal partner to it.

The bottom line is we need to do some heavy lifting. So yes, this is not a fun place anymore. It is not a fun place because we are having to do some very significant effort.

I will just make a few more comments before I yield to my colleague from Michigan. Prime Minister Rabin, before he died, made it very clear that he was elected by adults to represent the children. I think that is a good message for all of us, we are elected by adults to represent the children. If we are concerned about the children, we have to be concerned about the national debt and the kind of burden we are placing on our children and our children's children.

So we are setting about to accomplish three major tasks: One is to get our financial house in order and balance our Federal budget in 7 years or less; another is to save our trust funds, particularly Medicare, from bankruptcy. I know my colleague at the chair, representing Florida, is representing so many constituents who in fact are receiving Medicare. This fund is going insolvent, Medicare part B is going insolvent this year. More money is going out of the fund than coming in from the payroll tax. We want to save the trust fund from insolvency.

The third thing we are eager to do is to transform this caretaking social and

corporate welfare state, it is just not welfare for the poor, it is welfare for corporations, and move it, transform it, into a caring, opportunity society, where everyone has an opportunity to succeed. It is not a hands-off, we do not care. It is a very much hands-on. But instead of giving the people the food, we want to give them the seed.

In the process of doing these three things, getting our financial house in order and balancing the budget, saving Medicare from bankruptcy and transforming the social and corporate welfare state into an opportunity society, we are talking about change.

In the process of this change, we have made a number of people who want the status quo, we are confronting them. I would contend rather than being critical of my colleagues, and particularly our freshmen, bless our freshmen's hearts, that we should be appreciative that these, many of them business men and women, said "I ran for this job to get our financial house in order. If I lose the next election, so be it. This is not my life. My country is my life, my family is my life, God is my life. But being here is not my life." They are willing to risk defeat in the process of doing something right.

So we have this special order just to talk about some of what we want to do and why we think it is so important.

With and I yield to my colleague from Michigan.

Mr. UPTON. Mr. Speaker, I thank the gentleman from Connecticut, my good friend, for yielding during this special order. I must say a couple of things to begin with. One of the things I have said a lot as I have gone around my district and around the State of Michigan and here in Washington too is in this Chamber, sometimes it seems as though we have too many Republicans and too many Democrats, and not enough U.S. Congressmen and women willing to make some tough choices. We have got to do that. I am 42 years old. You and I are about the same age.

Mr. SHAYS. A little older.

Mr. UPTON. But, you know, back in 1980 when I first came to this town and worked for President Reagan, the baby-boom generation, our generation, was 30 years away from retirement. The deficit then was a lot smaller, the national debt was a lot smaller. The amount of interest that we paid on that debt was about \$50 billion.

Today, 15 years later, 16 years later, we are now 15 years away, our generation, from the big retirement age, with all the entitlement kick-ins and all of that, and we are not spending \$50 billion on interest, we are spending \$250 billion on interest, and the debt, not being \$1 trillion or so, is now actually over \$5 trillion, and in 2 years, we will be spending more just on the interest, servicing that \$5.5 trillion national debt, than all of defense, foreign aid, Congress and the Intelligence budgets put together.

We have got to make some tough choices. It is not easy to say no to

some of these different groups that are coming in. The easy vote is always yes. Somehow in this Chamber, working with the administration downtown, because we do not have the votes, let us face it, to override a veto, we have got to work together and bridge the gap to get the job done.

I have a 4-year-old and I have an 8-year-old, and a newborn child today is going to pay, their share of what we owe is \$185,000 in taxes just to pay the interest on the national debt. Somehow I think that it should be incumbent on everyone in this Chamber, as we think about our kids and their kids and this country, to work together in a bipartisan fashion to do a number of things.

First of all we have got to come up with a balanced budget. Why did our side pick 7 years? Because the markets, those folks running the markets say if it is not 6, 7, or 8 years, it is not going to be credible; you put it off in the future and no one will believe it.

We need declining deficits each and every year. None of this stuff where you have a straight line deficit, and then the last 2 years it falls off to zero. They have to be real, and they have to come down in benchmark fashion each and every year.

The other thing, we said this on our side and so has the President and the Democrats, is we have got to have an honest scoring mechanism, the Congressional Budget Office.

I want to share a story. Back in 1990, when President Bush was in office, you probably went down there, as well as I did. In fact on the budget agreement in 1990, President Bush, I spent a lot of time with him. I worked with him. I worked with President Reagan, as I said earlier, for a number of years. His office was around the corner when he was Vice President, and my office, I was in charge of congressional affairs at the Office of Management and Budget.

□ 1715

President Bush called me down to his office and put his hands on my shoulders. He said: Fred, you can vote for this. You are going to get reelected. I have been to your district. I know you. You are going to win your race, and I need your vote for this. This is so important. We have the gulf war coming up, and we need to get this off the table and get this country on a sound fiscal basis.

And I said: Mr. President, I cannot vote for this because I did not run for office, and I do not feel in my heart that I can vote to increase spending and increase taxes, and that is what your budget does.

And as I look back at those numbers, back then, in 1990, in my notes, his statisticians told him if his budget passed, and it did, we would have a surplus in 1995 of \$63 billion. Well, they are off only by \$250 billion.

Mr. SHAYS. Mr. Speaker, if the gentleman would yield, I have the other side of that story.

Mr. UPTON. Mr. Speaker, we cannot allow those phony assumptions to come into place. That is why, as we make the tough decisions today, Medicaid, Medicare, what size of the tax cut, if any, that ought to be there, all the tough choices, we do not want to go through this drill again and come up \$250 billion off when we say it is going to be balanced.

Mr. SHAYS. Mr. Speaker, if the gentleman would yield, I happen to have voted for the 1990 budget. I voted for it because I was willing to even vote for a tax increase where there was a slight tax increase to balance the budget. But I used those numbers that were done not by the Congressional Budget Office, but by the Office of Management and Budget, and they were basically the President's numbers. They were basically Dick Darman's numbers, the head of the budget office, and they simply turned out to be extraordinarily unrealistic.

I vowed that I would never ever again be unmindful of how the numbers were calculated, and that is why we want the President to be willing to use basically conservative numbers, certainly not numbers that just estimate ourselves out of the problem. What I did like about that budget agreement, and I think my colleague would agree it was an important part, Gramm-Rudman, which was a 5-year plan to get to a balanced budget and sequestered funds. In other words, if one did not reach one's deficit target, there would be automatic cuts. It only dealt with one-third of the budget. Appropriations. Half of the budget, though, are entitlements.

This gets me into the whole point of the challenge of balancing the budget. Our first task is to balance our Federal budget, and get our financial house in order. We cannot do it just looking at appropriations. I think my colleague in the chair would recognize that we have been squeezing what we call discretionary spending. We have been cutting back traditional government, but we have allowed the entitlements, in other words, someone who fits the category gets the money, Medicare, Medicaid, welfare, foods stamps and so on, certain agricultural subsidies. Fit it and get the money. That is on automatic pilot. It continues each and every year.

What the 1990 agreement did, one of the good parts, it said, if we increased the entitlement, we had to come up with the dollars to pay for it, either with a tax increase or a spending cut. What Congress had done to get around Gramm-Rudman was we squeezed the discretionary spending coming out of the Committee on Appropriations, and they increased the entitlement. They did not get it through an annual vote of Congress; they did it through a mandatory expenditure.

We are taking on entitlements. We are not cutting them. We are slowing the growth. One of the big criticisms is that we are doing cuts to the earned income tax credit, a very important program for the working poor. They pay

no taxes because they do not make enough. The Federal Government gives them something back to get them to get beyond that working-poor status.

We want to slow the growth of that program because under existing law that would go to \$35,000. We want to keep it around \$30,000, and we want it to apply to families and not to single individuals in particular. But we still allow that program to grow from \$19.9 billion to \$25.4 billion. That is an increase in spending; not a cut. We are changing the program but we are increasing spending.

The School Lunch Program, which was something that has always distressed me, and I bring it up when we have the opportunity, the President is going to schools and telling young children that they are not going to have a school lunch, when we are going to go from \$5.2 billion to \$6.8 billion. That is not a cut; that is an increase. We are allowing it to grow about 4.5 percent a year instead of 5.2.

Mr. UPTON. Mr. Speaker, as I understand, it was a \$200 million increase each year for 5 years.

Mr. SHAYS. Mr. Speaker, whatever the numbers ultimately that have come through the addition of negotiations in the budget agreements that happened since, the bottom line is that we were spending hundreds of millions of dollars more each year and to get up to \$6.8 billion in the 7th year.

The student loan is the one that really gets me the most. We are going to allow that to grow from \$24.5 billion to \$36 billion. That is a 50-percent increase. It is not a cut; it is an increase.

We do something. We are saying to students they have to do something they have not done in the past. Present law is, when they graduate, for 6 months they pay no interest. The Government, taxpayers, pay the interest. Then what we have said is no, students will pay the interest not when they are in school; they pay no interest when they are in school. They will have a 6-month grace period when they pay no return on the loan. But 6 months on, they start to pay the loan back, and we amortize the interest as soon as they graduate. It is a 6-month period.

Ultimately, we are saying, yes, students are going to pay more. They still get the same loan. They are going to pay \$9 more a month. It is a movie and a Coke. It is a pizza. The bottom line is, it is something that a working person now, having graduated, can pay. It saves the taxpayer \$4 billion in the course of 7 years. We still allow that program to grow, though, notwithstanding, from \$24.5 billion to \$36 billion.

Mr. Speaker, just take two more numbers, and then I would like to yield back to my colleagues. On Medicare and Medicare, our numbers were \$89 billion; they grow to \$127 billion. Only in this place, and in the Senate, maybe at the White House, not maybe, but at the White House, really in this city, when we spend so much more, do people call it a cut.

Or in Medicare from \$178 billion to \$289 billion in the seventh year. This is the number that really gets me. We are going to allow for a significant increase in Medicare on a per beneficiary, per elderly citizen, they get an equivalent of \$4,800. In the seventh year that is going to grow to \$7,100 per beneficiary. All of our constituents, that is what they will get. Hardly a cut. A very definite increase.

We are looking to, what? Control the growth in spending. We spent \$9 billion in the last 7 years. We want to spend \$12 billion in the next 7. We just do not want to spend \$13.3 billion. We want to slow the growth in spending.

Mr. Speaker, I would like to yield to my colleague, and then I notice my colleague from Delaware has come, and we can perhaps yield to him.

Mr. UPTON. Mr. Speaker, it was about a year ago that this House first took up some of the contract items and passed a number of things the first day and the first month, certainly. As I recall, one of the things that we passed on the very first day was a change in the House rules to allow for honest budgeting.

As my colleague pointed out, school lunches are going up at least \$200 million each and every year. I can hardly wait next fall to go to the schools where they believe that school lunches are going to be over and sit down and have lunch with my fourth and fifth graders and say, "Oh, my gosh, we are still having lunch."

I signed some mail today, people complaining about Medicare cuts. It is going up any way you look at it, 50 percent over 7 years in the plan that we passed and the President vetoed. And it is going up on a per beneficiary basis by \$2,100.

But I thought it was in this House that it passed almost unanimously, not quite, 390-something to 12 or something like that, to use honest budget numbers. And what that meant to me was that we were not going to start looking at these things as cuts, unless they actually went down. Is it a violation of the House rules to talk about cuts when in fact they are going up?

Mr. SHAYS. Mr. Speaker, the way this started, we are talking about a baseline, and we figured in inflation. Then we said last year, even though we spend more, it is not an increase in spending.

I remember when I was first elected in 1987, I would go back home and say, "We cut spending here and here and here," and my constituents would say, "If you cut spending, how come the spending keeps going up?" That was a very logical question, and I realized I was using that concept of a baseline budget.

Mr. UPTON. Mr. Speaker, we changed the House rules, but we are not living up to them. Maybe we should get the mace out.

Mr. SHAYS. We are trying to. It is a different kind of mace. It is the mace you hold.

But bottom line, Mr. Speaker, we want to get our financial house in order and balance the budget.

I get into this whole issue of Medicare, which is really trying to save our trust funds. There is not a Member of Congress who does not represent a number of seniors, and we have had to talk to our constituents about this issue. It has been very interesting to me because what they want, we are giving them.

I, as a Member of Congress, pay 28 percent of my health care like any other Federal employee. I do not get anything other than any other Federal employee. I pay 28 percent, and the Government pays 72 percent. The wonderful thing is that we get choice. What do we do with Medicare is we do not increase the copayment or increase the deductible. We keep it at 31.5 percent; the taxpayers pay 68.5 percent, and we give choice. We allow recipients to join plans where they might get eye care, dental care, hearing aid assistance, where they might have their copayments paid for by an HMO if they choose to join an HMO, but they can stay where they are.

Mr. UPTON. Mr. Speaker, I would note that there is no decline in benefits. They cannot say no, they cannot blackball one from enlisting in any of the programs, and benefits cannot be cut. One has got to have at least a standard benefit package that is there today. It can only be broadened, not lessened.

Mr. SHAYS. The bottom line is the only private plans that can be offered are plans that offer something better, the same or better. But in order to get people into those private plans, they will have to be better; otherwise the people will stay in the fee for service.

Mr. Speaker, at this time I yield to the gentleman from Delaware [Mr. CASTLE].

Mr. CASTLE. I thank the gentleman from Connecticut [Mr. SHAYS] for this opportunity to just address for a few minutes the issues of budgeting and balancing the budget here in Congress.

One point I thought of as I was on my way over, and I hope my colleague did not make it because I was on my way over, is that there are so many Members of this House of Representatives, and actually the U.S. Senate as well, who are focusing on balancing the budget. It is not just JOHN KASICH, God love his soul. He is a wonderful person. Or NEWT GINGRICH and a few others. There are groups of moderate Republicans that we might belong to. There are groups of Blue Dog Republicans and Democrats that are conservative Republicans and Democrats. There are all kinds of groups in this Congress who realize how important it is, and I think sometimes we do not state that enough.

There is a view that maybe one or two leaders are trying to drive the need to balance the budget. The freshman class of the Republican Party has taken some lumps, but they came down

here with a concept to make Government more efficient. I think they deserve tremendous credit for that.

Then I hear the pundits and a lot of critics out there saying, well, Congress can never balance its budget because of entitlements and because of interest payments and various reasons. I say that is absolutely wrong.

I come from Delaware, and for 8 years Pete du Pont was Governor of Delaware. He was the one who made up his mind that we could balance the budget in Delaware. We had not done that, and then we did it. I was Governor for 8 years, during that period of time, and it continued on with Tom Carper, the Democratic Governor of the State of Delaware. We not only balanced our budget; we have had a series of tax cuts, and we have two rainy day funds on top of each other. We take care of almost every possibility in terms of being able to keep in balance from year to year, and I am absolutely convinced that it can be done.

I would tell my colleagues that there is a lot of protection, not just in this Congress, but by constituent groups on the outside, and particularly by the press, who try to protect the status quo. They do not welcome true innovation or change.

In just one area of tremendous concern, people will say to us, why do not you cut your salaries, and you can balance the budget? That is 100th of 1 percent of the budget. Or cut foreign aid. That is a small percent.

But get into Medicaid and Medicare, which is the fastest growing segment of the budget, 17 or 18 percent collectively between them now in the budget of the United States, and there is an area which has grown from zero about 30 years ago to where it is today, which is growing faster than everything else which we need to address.

□ 1730

I do not know of any Member of Congress, if these seats were all filled, who would not say "I want health care for the poor and I want health care for our senior citizens." We all feel that way.

So the question is, how can you reduce those expenditures in those particular programs but still provide the health care. There is a very simple lesson. Look at today's newspapers. Today's newspapers brought us the news that there was a slight increase in the cost of health care to the private insurers last year. I think it was about 2 percent or something. When you had HMOs, it was actually a decrease in the amount they spent. When you had regular health care, it increased by about 2.5 percent or something of that nature. Yet, we have these Government programs which are still going up at the rates of 10 percent or 11 percent or 12 percent. That is well beyond population growth.

The truth of the matter is that we deliver health care at the Government level exactly the way we have done all along, and perhaps we should innovate.

There are innovations out there. There are HMO's. The medisave account is something which could work. We do not know that for sure. But if you are doing what some people have talked about doing here, I am sure they are going to cut into health care, and they might do some of the things you are talking about.

You can get your prescription eyeglasses, perhaps, or your pharmaceuticals which you need as part of the plan you get into because we let people expand and go to a market-based system. I am convinced we can do this same thing with welfare. We have done this in Delaware. We have basically told people they have to start going to school, that they had to get a job after a period of time. They started going to school.

I thought it was going to be a very difficult thing to do. We went down and visited these people, and they were perhaps the most contented citizens I visited in the whole time I was Governor. They were being given an opportunity. One-third of those people are working today, and one-third are off of welfare altogether as a result of that. That is a pretty good result. I would like it to be a 100 percent, we all would, but that is a pretty doggone good result.

But I think there are ways in which we can come up with creative and good opportunities for people to improve their lives and still provide the same services we have today, but do them in a different way, and balance our budget. Yes, we have to work at it, but there are a lot of experts in this room. I think given that opportunity, that could happen, and we could really do what we have to do, which is to balance the budget in 7 years. It is tough, but is not impossible. We should be doing it.

Mr. SHAYS. Mr. Speaker, the bottom line to this is that people have said, "Well, we got into this over 30 years. It should take us 30 years." No, we got into debt in 1 year. We are not looking to pay back the debt. We were simply saying, "Let us not make the debt any larger." So we have a 7-year plan. Frankly, a number of us here have said, "Let us balance the budget sooner with no tax cut," but the issue is ultimately balancing the budget, getting our financial house in order.

Mr. Speaker, we are not paying back that debt, we are simply saying, "Let us not make the debt any larger." When you talk about the innovation, we have seen extraordinary innovation on the State level. You were a Governor for 8 years. I can remember that we looked at how you did it when we were in the State of Connecticut, because Delaware was doing innovative programs. We looked at what Tennessee is doing and what Arizona is doing with managed health care for nursing care and so on.

Why is it that the working American basically is under managed care, but the elderly, who are under taxpayer expense, and the poor, who are under tax-

payer expense, are under the traditional old system of fee-for-service? We are still going to allow them to have fee-for-service, but we are eager to encourage them to get into plans that save money and are more efficient and provide better service.

Mr. Speaker, we could talk about a lot of issues, and we are basically, I think, running out of time in the next few minutes. We have about 3 minutes. I would be delighted to yield to my colleague, the gentleman from Michigan.

Mr. UPTON. I would just like to make this point, Mr. Speaker. As I look at my State of Michigan, a few years ago we had a debt of about almost \$2 billion, which is a lot for any State. Our Governor and our legislature went after spending, tightened everybody's belts. Today they have cut taxes 23 times in the last 3 years. We can do the same here, but we have to focus on the spending side. We have to do something about deficits that average somewhere between \$150 billion and \$250 billion over the last couple years, and we have to do it together. That means this side of the aisle and this side of the aisle working together to get the job done, and really get the budget balanced.

Mr. CASTLE. If the gentleman will continue to yield, just briefly, I could not agree with the gentleman more. I worry a little bit when I read in the press that some of the leadership here in both houses and even the White House are beginning to say, "I do not think we can get to a balanced budget." I certainly have not given up on that. I think this is the time to do it.

People do not realize how close we are. We have really narrowed the differences. Yes, there are some policy differences that need to be resolved as well, but from a numbers point of view, we are as close as they have ever been to do this. I think to give up on it now would be a huge mistake. I hope we push hard in the remaining weeks of this spring and hopefully get this done sometime before we go too much further into the fiscal year.

Mr. SHAYS. I thank my colleague for making this point. The bottom line is we have an extraordinary opportunity. We want to seize this opportunity and we want to work together with the President, who came in with a very conciliatory message, I thought, and with our colleagues on the other side. But we want them to be real numbers, we want there to be structural change in the program. We want to save this country for future generations.

IMPLICATIONS OF FRANCE'S NUCLEAR TESTING NIGHTMARE

The SPEAKER pro tempore (Mr. YOUNG of Florida). Under a previous order of the House, the gentleman from American Samoa [Mr. FALEOMAVAEGA] is recognized for 30 minutes.

Mr. FALEOMAVAEGA. Mr. Speaker, on Monday, January 29, 3 short days before he is to arrive in Washington,

President Chirac of France announced, in a formal news release, the end to nuclear testing in the South Pacific. Though he makes a pretty speech, just in time to come to Washington as a fervent advocate of nuclear disarmament and to establish warm ties with America, I want to point out for my colleagues and to the American people, Mr. Speaker, the hypocrisy of Chirac's recent piece of propaganda.

Mr. Chirac began his news release with these words:

Dear compatriots, I announce to you today the final end to French nuclear tests. Thanks to the final series that has just taken place, France will have a durable, reliable, and modern defense.

Point No. 1, Mr. Speaker, France already has the world's fourth largest Navy and the world's third largest stockpile of nuclear weapons before it even began its final series of nuclear tests. France had already exploded over 200 nuclear bombs in land, air, and water, far from the home of the enlightenment. In particular, France had already exploded 178 nuclear bombs in the South Pacific. Were those 200-plus nuclear bomb explosions not enough to ensure a durable, reliable, and modern defense? If those 200 were not enough, why should we now believe that the 6 additional nuclear bomb explosions France has just conducted in the South Pacific would be enough to stay its appetite for an even more modern defense?

Point No. 2: The final series of French nuclear tests were not even necessary. The United States freely offered France the technology it sought to ensure its so-called nuclear weapons reliability. Why did France not accept the United States offer? Because of a combination of two things: French national pride, and French suspicions that the United States was withholding state-of-the-art technology.

Now Chirac wants to be perceived as promoting nuclear disarmament and warm ties with America? One who defiantly violates world moratoriums and resumes unnecessary nuclear testings cannot and must not be regarded as a promoter of nuclear disarmament, and one who is suspicious of any offerings the United States might make certainly cannot be regarded as one who is promoting warm ties with the United States.

Mr. Speaker, President Chirac continues his speech by saying: "The security of our country and our children is assured." In turn, Mr. Speaker, I say "At what price, and whose children?" The sixth nuclear bomb that France exploded on Saturday, last Saturday, since violating the world's moratorium, was six times more powerful than the bomb dropped on Hiroshima, Japan; a bomb, incidentally, Mr. Speaker, that took the immediate lives of some 150,000 people, and later claimed another 50,000 who died from nuclear contamination and illnesses.

In response to France's latest nuclear explosion in Fangataufa Atoll, the

mayor of Hiroshima said these words: "I feel renewed anger. Nuclear tests aimed at developing and maintaining nuclear technology will do nothing but increase the risk of putting human beings on the brink of ruin."

I might now ask, Mr. Speaker, what kind of security has France really secured for our children? The Pacific Ocean covers one-third of the world's surface. I submit, Mr. Speaker, that France has put not only its children but all of our children on the brink of ruin by exposing them to nuclear contamination through a resulting toxic food chain.

Mr. Speaker, Chirac's reckless actions have initiated the nuclear arms race all over again. Horrific environmental concerns aside, Chirac's decision to resume unnecessary nuclear testings in the South Pacific has opened a Pandora's box that holds chilling implications for nuclear and nonnuclear nations alike. Prime Minister Keating of Australia recently said, and I quote:

The French government is to be strongly condemned for the latest test at Fangataufa Atoll, and for conducting it during negotiations for a Comprehensive Test Ban Treaty which are now entering the final critical stages in Geneva, Switzerland.

What implications, Mr. Speaker, does Chirac's reckless decision to initiate the nuclear arms race all over again hold for those negotiations and for the security of the world? Let me share with you, Mr. Speaker, the domino effect of Chirac's reckless decision. These is now a serious move by India to link the negotiations of a Comprehensive Test Ban Treaty in Geneva to its call for negotiations to start this year on removing all nuclear weapons in a specified time. The five nuclear superpowers are, of course, against this move, but joining India is, ironically, Pakistan.

Adding to this difficulty, India refuses to sign the Nuclear Non-Proliferation Treaty on the basis that the nuclear nations are still maintaining their nuclear arsenals, which in effect make the whole treaty meaningless and discriminatory. India's Prime Minister has said and I quote: "We are of the view that to be meaningful, the treaty should be securely anchored in a global disarmament context, and be linked through treaty language to the elimination of all nuclear weapons in a time-bound framework." In other words, Mr. Speaker, India is pushing for no loopholes in the Nuclear Non-Proliferation Treaty.

As it currently stands, what assurances do nonnuclear nations have if nuclear nations retain their nuclear arsenals? If France's resumption of nuclear tests in the South Pacific is a case in point, nonnuclear nations have next to nothing in assurances from a five-member club comprised of one who is willing to defy world moratoriums at will, and four who are willing to act in complicity by looking the other way.

Mr. Speaker, because of Chirac's reckless and selfish decision, India is

now ignoring Western pressure to scrap its ambitious ballistic missile program. India is saying, "If France can defy world moratoriums to ensure a durable, reliable, and modern defense, then so can we. Just this week India successfully launched a new ballistic missile, the Prithvi, that has a range exceeding 150 miles and a capability of being fitted with nuclear warheads."

This means, Mr. Speaker, that India has a missile with nuclear capabilities that can reach the capital of Pakistan, Islamabad, so now Pakistan wants to utilize M-11 ballistic missiles from China. These M-11 missiles are also capable of carrying nuclear warheads, and they could hit key cities throughout India.

But the chain reaction Chirac has created does not stop there, Mr. Speaker. India and China have just signed a mutual contract for India to purchase uranium from China. Now China, in an expression of its own security concerns, is developing warm relations with Russia. China's position is that you cannot depend on Western powers for its security. Now there is renewed apprehension between Russia and the NATO powers. All of this, Mr. Speaker, is a result of the fear France has created and fueled by its defiance in violation of the world moratorium to stop nuclear testing.

Australian Prime Minister Keating sums it up this way: "Such irresponsible actions send the worst possible signal to nations that aspire to possess nuclear weapons. The French government is to be strongly condemned."

Despite world condemnation, Mr. Speaker, Chirac arrogantly continues his speech of Eurocentric rationale by marginalizing Asian Pacific concerns.

President Chirac state: "I know the decision I took last June may have caused worries and emotions." Mr. Speaker, can you believe this? Chirac thinks his decision only caused "worries and emotions". Is he still denying the environmental effects of his unnecessary nuclear bomb explosions in waters conveniently located halfway around the world from France? Is he still claiming that his nuclear bomb explosions have no ecological consequences?

Is he unaware that he has initiated a nuclear arms race all over again? Or does he just take nuclear proliferation lightly, suggesting that it should cause nothing more than a few worries and emotions? What kind of world leader could be so barbaric in his interpretations, Mr. Speaker?

President Chirac continues by claiming that, "While my resolve was not affected, I was not insensitive to those movements of public opinion." How sensitive, Mr. Speaker, was he? Was he sensitive enough to stop nuclear bombings? Was he sensitive enough to consider the 28 million people living in the Pacific region whose lives will be affected for decades to come as a result of the nuclear nightmare Chirac's unaffected resolve created for them?

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As Prime Minister Bolger of New Zealand has noted, and I quote:

Despite all suggestions from France that this is a totally safe and benign operation, there is no such thing as a safe nuclear test. They all create massive damage. It is just a matter of how much, when, and what leakage there is.

Philippines President Ramos also has this to say, Mr. Speaker, and I quote once again:

I condemn in the strongest terms the latest tests by France. This latest test is a continued defiance of the international communities' appeals to France.

Mr. Speaker, I might also note, this latest test comes shortly after all 10 Southeast Asian countries signed a treaty providing for a nuclear-free zone in that part of the world.

While President Chirac may claim sensitivity, the latest in French nuclear testings are an affront, a slap in the face, to Asia-Pacific countries. Since when is a slap in the face, Mr. Speaker, considered to be an expression of sensitivity?

Promoting his propaganda to the hilt, Mr. Speaker, Chirac continues his response to the world's condemnation of French nuclear testings. These movements, as Chirac likes to call what have really been international, "testified," he says, "to the growing importance the world's inhabitants attach to collective security and safeguarding the environment. I share these concerns."

Mr. Speaker, I am appalled that the world's No. 1 nuclear proliferator, the man responsible for initiating the nuclear arms race all over again, would now try to convince us that he shares our concerns for collective security and safeguarding of the environment. If this were the case, why did he not just accept the technology the United States offered?

Why conduct unnecessary nuclear testing? Why reopen the nuclear arms race? Why create the paranoia? Why pit nuclear nations against non-nuclear nations? Why pit Western powers against non-Western powers? Why, on the one hand, claim that there are no ecological consequences of nuclear testings, but on the other hand, choose to conduct these nuclear tests far from the borders of France?

Whose environment is Chirac really interested in safeguarding, Mr. Speaker? And whose security is he really concerned about?

In a very patronizing way, Mr. Speaker, Chirac also said, and I quote:

I know that nuclear energy can be frightening, but in a world that is still dangerous, our weapon is a deterrent—that means a weapon that can serve peace. Today I have the feeling of having accomplished one of my most important duties by giving France, for decades to come, the capability for its independence and security.

I think that answers in question for us, Mr. Speaker. It is French security and the French environment that Chirac is concerned about. To heck with everyone else's independence and security. France has its own rules.

France does its own thing. If it wants to violate world moratoriums, it will. France, after all, comes first.

Mr. Speaker, excuse me, but I thought peace meant working together to create an equitable environment for all citizens of the world not just French ones. While I am on the subject, Mr. Speaker, I might question Chirac's use of the word "independence." Does "independence" in Chirac's vocabulary include freedom for the native people of Tahiti who have felt the brunt of French colonial reign since the islands of French Polynesia were what Westerners would call "colonized" by France, after some 500 French soldiers with guns and cannons subdued the Tahitian chiefs and their warriors in the 1840's. Or is independence just a concept, like security, that Chirac applies only to the people of France?

Mr. Speaker, Chirac continues his dramatic monolog by saying, and I quote:

A new chapter is opening. France will play an active and determined role in world disarmament and for a better European defense.

Mr. Speaker, do I hear Chirac correctly? Do I hear him trying to justify his latest nuclear testings by saying he did it all to stabilize relations in Europe?

For him to suggest that the resumption of French nuclear testing was done to stabilize relations in Europe is ridiculous. When France first presented the idea that in an effort of concerted deterrence it would extend its nuclear umbrella to its European partners, there were few takers, Mr. Speaker. In fact, Mr. Speaker, 10 of the 15 European Union members voted with the United Nations, protesting the resumption of French nuclear testing.

Why, Mr. Speaker, are not the European Union members more anxious to be a part of the French nuclear umbrella? Partly because the European Union members are more comfortable with the protection the United States has provided them for the past 50 years, and partly, Mr. Speaker, because historically, France just cannot be trusted.

Mr. Speaker, in the 1940's, France surrendered to Nazi Germany. In 1966, at the height of the cold war, when nuclear missiles were pointed at every major country in Europe, France pulled out of the NATO alliance. Today France still has not officially joined NATO, and as we have clearly seen, from September of 1995 to January of this year, France cannot even be trusted to honor a world moratorium it agreed to only 4 short years ago. How can any nation, European or not, be assured of any French position?

Mr. Speaker, Chirac says, and I quote:

I will take initiatives in this direction in the coming weeks. As all of you, dear patriots, I want peace—solid and durable peace. We all know that peace, like freedom, has to be built each day. This is the purpose of the decision I took and that will be the guideline for my action tomorrow.

Mr. Speaker, can we really put stock in Chirac's guideline for tomorrow?

France's own Urban Minister said about Chirac's decision to explode eight additional bombs in the South Pacific, and I quote, "He did what he said he would do and he did the right thing."

Mr. Speaker, something is rotten in Denmark when world leaders consider that they have done the right thing by violating world moratoriums that they agreed to. Chirac's aide said Chirac will earn international respect for sticking determinatively to a decision almost as unpopular domestically as it was internationally.

Mr. Speaker, if the responses of world leaders from Australia, New Zealand, Japan, the Philippines, the Pacific nations and Europe is any indication of international sentiment, Chirac will be a long time in earning anybody's respect. Anyone with a social conscience, world leader or not, knows that the only interest Chirac considered in resuming nuclear testings was the higher interests of French military industrial lobbyists and their profitable \$2.5 billion nuclear program.

Mr. Speaker, now Chirac wants to come to Washington and make a case for peach and act as a spokesperson for the world's poor. But, Mr. Speaker, did you know that France is now the top weapons exporter of weapons supplier in the world?

Mr. Speaker, is it with irony or with hypocrisy that President Chirac will promote peach and act as a spokesman for the world's poor when France is the biggest exporter of weapons to developing nations?

Mr. Speaker, while Chirac may script his story for Eurocentric audiences, the people of the Pacific who feel the brunt of colonial reign have their own story to tell. It is a travesty that on Thursday their voices will be made mute in this Chamber by one who so arrogantly and so openly marginalizes not only their concerns, but the concerns of the world community as well.

Mr. Speaker, it is an act devoid of all social conscience that has afforded Mr. Chirac the opportunity of delivering his downright deceptive message from a Chamber that symbolically represents the highest of democratic values. I urge my colleagues on both sides of the aisle to join together in insisting that the Speaker rescind the invitation he has extended to Mr. Chirac, and if the invitation is not revoked, then I urge my colleagues not to attend the Joint session of Congress.

To attend the session is to act in complicity, to validate France's position that it is okay to violate world moratoriums, to resume nuclear testings, to initiate a nuclear arms race all over again, to place humanity on the brink of destruction.

As a Member of both the Pacific Island community and the U.S. House of Representatives, and as one who has sailed to the nuclear testing site of Mururoa and been arrested at the

hands of French commandos in waters the good Lord gave the people of Polynesia, as one who has considered the kind of world that I want my children to live in, Mr. Speaker, I cannot in good conscience be a party to such hypocrisy.

Mr. Speaker, I include the following articles for the RECORD.

[From the Washington Post, Jan. 30, 1996]

CHIRAC ENDS FRANCE'S NUCLEAR TEST PROGRAM

(By William Drozdiak)

PARIS, JANUARY 29.—President Jacques Chirac announced tonight that France has ended its controversial nuclear testing program in the South Pacific and will not embark on a fresh campaign in favor of disarmament.

In a televised statement, Chirac said he decided to halt all further nuclear tests because France can now be assured to a "modern and secure" arsenal as a result of data gleaned from six underground blasts conducted over the past five months.

"A new chapter is opening. France will play an active and determined role for disarmament in the world and for a better European defense," he declared. "I will take initiatives in this direction in the coming weeks."

The French decision means China is the world's only declared nuclear power that still insists on the right to carry out weapons tests. Others, including the United States, have joined a moratorium while negotiations proceed on a worldwide nuclear test ban treaty.

The Clinton administration hailed Chirac's decision and predicted it will add momentum to the treaty talks.

"The United States has consistently urged that all nations abide by a global moratorium on nuclear testing as we work to complete and sign a comprehensive test ban treaty," the White House said in a statement.

Under President Francois Mitterrand, France had abstained from testing for three years. Chirac's decision last June, shortly after he took office, to resume testing sparked worldwide protests and contributed to a sharp drop in his popularity at home. He insisted that the tests were necessary to verify a new warhead for France's submarine-based missiles and to perfect computer-based simulation technology that would be employed once a test ban was imposed.

The announcement that France is rejoining the moratorium came two days after the final blast, described as "less than 120 kilotons," or six times the size of the atomic bomb dropped on Hiroshima, was conducted at the Fangataufa coral atoll about 750 miles southeast of Tahiti.

Chirac acknowledged that he was "not insensitive" to the fear and consternation provoked at home and abroad by the resumption of France's underground nuclear explosions. Despite what he called the "frightening" power of nuclear bombs and threats to the environment, he insisted that France's arsenal will "serve the interests of peace."

Chirac plans to make a state visit this week to Washington, where he will make a speech before both houses of Congress. He is expected to use the occasion to launch a diplomatic counteroffensive, promoting the virtues of the comprehensive nuclear test ban treaty being negotiated in Geneva.

French officials said Chirac also plans to co-chair an international conference on nuclear security in Moscow in April. The meeting, which will review safety problems at nuclear power stations, was conceived by the leaders of the world's major industrial democracies last year to prevent disasters such

as the Chernobyl nuclear accident a decade ago.

With the South Pacific testing ground now due to be closed, the French president reportedly will announce an aid package Tuesday to help compensate French Polynesians for the loss of lucrative earnings from the nuclear testing center.

Chirac said France can afford to stop its program well ahead of schedule—and two tests short of the eight he originally planned—because he is satisfied that results already obtained have fulfilled the programs' objectives.

But it was clear that the surprising ferocity of global opposition to the French program hastened its conclusion.

Japan, Australia and New Zealand have waged a vociferous protest campaign since the tests started last September. A consumer boycott of French exports was launched in many countries, though the government here claims it did not inflict as much damage as initially feared on the French wine, perfume and clothing industries.

Chirac contends that what wounded him most was the lack of solidarity from many of France's European Union partners, even after he suggested the arsenal could serve as a strategic shield for a future European defense community.

Among the EU's 15 member nations, only Britain offered public support for the French nuclear tests. Germany and Spain remained mute out of deference to dismay among their citizens, while governments in the Netherlands and the Scandinavian countries were overtly hostile to the French program.

Now that the tests are concluded, however, Chirac gave notice that he intends to emphasize the fight against nuclear proliferation by pushing hard for a comprehensive test ban treaty by the end of this year. Seeking to curtail the hostility of protests abroad, France insisted several months ago that the treaty should embrace the "zero option" banning all tests, even those of the smallest explosive power.

Some military experts, notably in the Pentagon, wanted to set the ban at a certain threshold to preserve the right to carry out micro-explosions, ostensibly to ensure the reliability of existing arsenals.

After some hesitation, the United States and Britain endorsed the zero option now backed by Chirac. But Russia and China have not accepted the proposal. While Russia has stopped testing, the Chinese insist on the right to continue underground explosions because they contend their program lags far behind those of the other nuclear powers.

Besides the continuing dispute over the zero option, negotiations for a test ban treaty now unfolding in Geneva have encountered problems from other countries that may aspire to join the nuclear club.

India has predicated its support for a test ban treaty on a timetable for the elimination of all nuclear arsenals in the world, a hard-line position that if sustained could torpedo the negotiations.

[From the Washington Times, Jan. 30, 1996]

CHIRAC ENDS NUCLEAR TESTS ON EVE OF STATE VISIT

French President Jacques Chirac yesterday ended a series of underground nuclear tests in the South Pacific that were threatening to create a major embarrassment during his state visit to Washington this week.

Several members of Congress have threatened to boycott Mr. Chirac's address to a joint session on Thursday and have asked House Speaker Newt Gingrich to withdraw the invitation, according to the Capitol Hill newspaper Roll Call.

In Paris, Mr. Chirac announced that with the completion of the sixth and most power-

ful blast on Saturday, France had achieved its objective of ensuring a "viable and modern defense." He said he was calling for "a definitive halt to French nuclear tests."

"I know that the decision that I made last June may have provoked, in France and abroad, anxiety and emotion," Mr. Chirac said on state-run television last night.

"I know that nuclear weaponry may cause fear. But in an always-dangerous world, it acts for us as a weapon of dissuasion, a weapon in the service of peace."

The announcement came just days before Mr. Chirac's state visit, which was postponed from last fall.

Roll Call reported that several Democratic members of Congress last week condemned the decision to invite the French president to address a joint session and called on Mr. Gingrich to rescind the invitation.

A spokesman for the Senate historian's office called the protest, led by representatives from Hawaii and the Pacific territories, "extraordinary" and said he could not recall a similar outcry in the past.

Roll Call quoted the representatives describing Mr. Chirac's appearance as a "direct affront against the United States and its people and of the world."

They urged fellow House members in a "Dear Colleague" letter to "protest President Chirac's wanton disregard of the appeals by and on behalf of the people of the Pacific region" for an end to the tests.

There was little chance of the address being canceled, but a top Democratic leadership aide told Roll Call the event could end up as nothing more than a "joint session to staffers and pages." Mr. Gingrich might have to "hustle to fill the room," the aide said.

France began the tests with a Sept. 5 blast beneath Mururoa Atoll. That detonation, roughly the size of the atomic bomb dropped on Hiroshima in 1945, broke a three-year international moratorium on nuclear testing.

It made France the only nation besides China to test weapons of mass destruction since 1992. France insisted it had to resume the tests to check its nuclear arsenal and develop computer simulation that will make actual detonations unnecessary in the future.

The testing outraged Australia, New Zealand and other South Pacific countries and provoked rioting in Tahiti. But it did not elicit strong response from such major French allies as the United States, Britain and Germany.

The environmental group Greenpeace, which fought the tests with bitter denunciations and high-seas protests, expressed relief at Mr. Chirac's decision.

"France has finally bowed to international pressure," said Josh Handler, the group's disarmament coordinator. Greenpeace said it would now press France to return protest ships seized over the past few months.

On Oct. 20, France, Britain and the United States jointly announced they would sign a treaty making the South Pacific a nuclear-free zone after the final French test.

White House Press Secretary Michael McCurry predicted that Paris' decision "will provide new momentum" to efforts to reach a test-ban treaty. The United States had pressed France to abide by the global moratorium.

In France, too, pressure had mounted on the conservative president to make Saturday's test the last. French trade in the South Pacific lost some ground, and Paris' diplomatic ties with Asian nations and many of its European partners were shaken.

Mr. Chirac's decision apparently hinged on how much information the government's nuclear scientists gleaned from the latest blast, and whether they and the military could be satisfied with an early end.

"Thanks to the final series which has just been carried out, France will have at its disposal a viable and modern defense," Mr. Chirac said. "The security of our country and our children is assured."

The Defense Ministry said the final test, conducted Saturday beneath Fangataufa Atoll, about 750 miles southeast of Tahiti, had a force of 120 kilotons—the equivalent of 120,000 tons of TNT, six times more powerful than the first blast in the series.

Greenpeace and other environmental groups called the tests needless and dangerous to a region known for its crystal seas and rich marine life. Some reports have said the continued nuclear pounding cracked the atolls and could eventually release radioactivity, a contention the government vehemently denies.

Mr. Chirac announced last June that France would conduct up to eight such underground tests, then stop for good and sign the Comprehensive Test Ban Treaty. Late last year, he said the tests would end by March and would number six or seven.

President Charles de Gaulle brought France into the atomic age in 1960. It stopped atmospheric testing in 1974 and bored the test tunnels beneath Mururoa and Fangataufa, where it has detonated 144 underground blasts.

[From the New York Times, Jan. 30, 1996]

FRANCE ENDING NUCLEAR TESTS THAT CAUSED BROAD PROTESTS

(By Craig R. Whitney)

PARIS, January 29.—The French Government said today that it had ended its nuclear weapons test program for good after conducting an underground blast in the South Pacific on Saturday, the last in a series of six such tests that were deplored by most of France's European allies and scores of other countries.

President Jacques Chirac announced the decision on national television this evening, calling the halt "the definitive end of French nuclear testing."

Mr. Chirac lifted a three-year moratorium on testing last year to try out a new warhead for French nuclear submarines and to gather data for computer simulations that will make future French nuclear weapons tests unnecessary.

French officials said today that the six tests carried out since last fall, which include the last and most powerful one under Fangataufa Atoll in the South Pacific on Saturday, had yielded enough data to make an additional test unnecessary.

They said that Mr. Chirac also wanted to put his best foot forward during a state visit to the United States this week and that he would use an address to Congress on Thursday to reaffirm France's intention to join the United States and other nuclear powers in signing a comprehensive test ban treaty this year to stop all further test explosions, no matter how small.

[In Washington, the Associated Press quoted the White House Press Secretary, Michael D. McCurry, as saying that that the French decision would "provide new momentum" to efforts to reach an international test ban treaty. The United States had pressed France to abide by the global moratorium.]

Mr. Chirac had said last June that the tests would end this spring but cut the number planned from eight to six after objections to the resumption of testing came from 10 of his 15 European Union allies, expressions of concern from the United States and vehement protests from Australia, New Zealand, Japan, and other Pacific countries.

"The possibility of rebuilding relationships with this part of the world, let alone New

Zealand, is going to be very, very difficult," New Zealand's Foreign Minister, Donald McKinnon, said today.

In an interview late last year, Mr. Chirac defended his decision to announce the resumption last June, not long before the 50th anniversary of the United States atom bomb attack on Hiroshima at the end of World War II.

"I didn't have any choice," he said. "To get the tests done in time to sign a comprehensive test ban treaty, preparations had to begin in the summer, and if we hadn't announced them, people would have discovered the work going on and accused us of being duplicitous."

French military experts told Mr. Chirac, a Gaullist conservative, that suspension of testing by his Socialist predecessor, François Mitterrand, had left a question mark over the reliability of the new TN-75 submarine-launched warhead and had also left France without sufficient data to future nuclear weapons testing to computer simulations.

Without assurance of reliability, the French independent nuclear deterrent would lack the credibility needed to scare off potential aggressors, the military said. Mr. Chirac was as determined as the late President Charles de Gaulle to enable France to take care of itself militarily, if necessary, without help from hands across the sea that could be withdrawn at any moment.

So he clenched his jaw while protesters poured Beaujolais down the drain and hanged him in effigy as "Hirochirac."

"I shared their concern," he said tonight, speaking from his office in Elysée Palace. "I know that nuclear tests can inspire fear." But, he continued, nuclear weapons served peace by deterring aggression.

It was to gather data necessary for simulation, authoritative French officials said, that the last explosion, equivalent to up to 120,000 tons of TNT and more than six times the size of the Hiroshima blast, was set off under Fangataufa Atoll on Saturday. Five other blasts were set off there and at nearby Mururoa Atoll, both in French Polynesia, between Sept. 5 and Dec. 27.

This brought to 198 the total number of French tests since the first one, which occurred in 1960 in the Sahara, in what was then French Algeria.

The end of French testing means that only China, among the admitted nuclear powers, is still carrying out underground explosions on its territory, though China's tests have not elicited nearly as much vehement protest as those of France. Tahitian protesters burned down the airport terminal at Papeete and caused \$40 million in damage in a riot after the first test in September, and the Greenpeace environmental pressure group sent protest ships into the test atoll.

France seized the Greenpeace ships and has refused to give them back, but Mr. Chirac was more irritated over the conduct of some of his European allies, including Italy, Sweden, Austria, and Finland, who voted at the United Nations in November to condemn French testing instead of abstaining as Germany, the United States, and many other countries did.

French officials, who had not consulted with their European allies about resuming the tests, canceled diplomatic meetings in anger. "It proves that there's a long way to go before Europe is built," Mr. Chirac said, but he thanked Britain, the only other European nuclear power, for never uttering a word of criticism about the French tests.

The French Defense Ministry has always insisted that the South Pacific tests caused no environmental damage, though it has conceded that trace amounts of radioactive iodine and other elements had been found in the waters around Mururoa after previous tests.

In a gesture to its European and NATO allies, France has offered recently to discuss ways of making its nuclear deterrent part of a stronger European defense pillar within the alliance, but concrete proposals are likely to be a long time coming, diplomats believe.●

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to section 301 of Public Law 104-99, which provided for the final disposition of Senate amendment number 115 to H.R. 1868 in both Houses, as if enacted into law, the Chair lays before the House the following enrolled bill:

H.R. 1868, an act making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 1996, and for other purposes.

REMAKING AMERICA THE RIGHT WAY

The SPEAKER pro tempore. Under the Speaker's announced policy of May 12, 1995, the Chair recognizes the gentleman from New York [Mr. OWENS] for 60 minutes.

Mr. OWENS. Mr. Speaker, the front-page article of the New York Times today, which talks about the CIA, has implications for the war to remake America that is going on in this Capitol now. Speaker GINGRICH has declared that politics is war without blood, and they have waged a relentless war.

My colleagues who spoke before about the threat of a default have indicated how serious this war is. The threat of a default is very serious. A default itself, of course, would be a disaster, but even a threat shakes the confidence of the world economies in this country and shakes the confidence of Americans.

Already the confidence of Americans has been shaken in their Government by two shutdowns of the Government. So I think it is very serious.

The following article that appears on the front page of the New York Times certainly has implications for what is going on with respect to streamlining and downsizing the expenditure side of the battle to remake America. It also has very serious implications with respect to the revenue side of the battle to remake America.

The New York Times article of today, January 30, says that a secret agency's secret budgets yield lost billions, officials say. Let me repeat that. A secret agency's secret budgets yield lost billions, officials say. Budgets, not just one budget. This secret agency has several budgets, and it has lost billions. The lost billions have been discovered, fortunately, at least as far as we know nothing has been stolen and whisked away from the American taxpayers, but it is there.

This \$2 billion slush fund, you know, with the Super Bowl for football over,

but this \$2 billion slush fund at the CIA is the super blunder, the symbolic super monster of this year's policy struggles. It is a symbol that we ought to take a close look at.

Mr. Speaker, how can an agency of the U.S. Government have \$2 billion lost in secret funds? How can an agency that has several different budgets, and the head of the agency, not know that those budgets exist?

It is worth reading some sections of this article. I will not read all of it, but Mr. Speaker, I ask unanimous consent to enter the article in the RECORD.

The article starts by saying that the National Reconnaissance Office, the secret agency that builds satellites, lost track of more than \$2 billion in classified money last year, largely because of its own internal secrets, the intelligence officials say. That they lost \$2 billion, it means obviously that that is \$2 billion that they did not need, \$2 billion that they did not spend.

This threat of default looms because we have a group in control of the Congress, the Republican majority in control of the Congress, that is threatening to push the American Government into default because they want their version of the remaking of America to prevail. That version of the remaking of America is, they say, concerned with cutting the cost of Government, cutting the cost of Government, streamlining Government, downsizing Government.

□ 1800

The President says the era of big government is over and we all agree that the era of big government should be over. But when you examine today's article on the front page of the New York Times where an agency of the Federal Government has a \$2 billion slush fund, then you wonder where is this streamlining taking place.

The implications of a blunder here are very important. We must stop and take a close look.

It says to us that if you have an agency of the government that has a \$2 billion slush fund that has just been discovered, obviously \$2 billion that they did not need, then the streamlining process is not really taking place across the board. In fact, the places that have the most money obviously are not being streamlined. The downsizing is not taking place. There is some kind of hypocrisy going on here. It says to us that the era of big government is not over.

The continuing resolution that was passed last Thursday did not touch the CIA budget at all. Last Thursday we passed a continuing resolution that keeps the Government in business, I think for about 45 more days, and that continuing resolution in my opinion sets the pace, sets the tone for what is probably going to prevail for the rest of this year. We are not going to move far from those figures, those numbers that are passed in that budget.

I am very dismayed, very disappointed, very angry because that

continuing resolution cut the budget for education by \$3.1 billion. The education budget has been cut. The people who want to remake America, the Republicans in the majority, have won. They have cut education.

They said they wanted to cut the Department of Education. They went after education with a vengeance, despite previously we have had bipartisan support for education. President Reagan initiated the Nation at Risk study. President Bush can out with America 2000 and held a big conference and set goals. We have always had bipartisan cooperation.

Suddenly this year the Republican majority came to power and education was the enemy, education was under attack. Abolish the whole department, they said, When they could not do that via authorizing legislation, they went after education in the appropriations process.

So we have not only the administration of the Education Department being cut drastically but you have programs that are proven, the Title I program that provides funding mainly to disadvantaged communities across the country, but really 90 percent of the school districts in America get some part of the Title I funding. So Title I is cut by \$1.1 billion over an annualized figure. That cut stands. It stands as it is. Head Start is cut. The Head Start cut stands in the continuing resolution.

What was won in the continuing resolution—and I guess in the present atmosphere, with the revolution to remake America going forward, we have to be satisfied with any gains—we did get back Goals 2000, which had been reduced to zero in the appropriations bill by the Republicans in the House of Representatives here. We did get back some semblance of some other programs that were there. I think we got the funding for the summer youth employment program back. I am not sure.

The continuing resolution says that any program that is not zeroed out or not specifically mentioned as a program to be defunded will get 75 percent of the funds it got last year, so I hope the summer youth employment program is included. But the language bothers me because the summer youth employment program is not specifically mentioned and some other programs are mentioned. AmeriCorps is specifically mentioned as being one of those programs that will get 75 percent funding. There is a fuzziness here about the summer youth employment program which troubles me.

It not only troubles me, it makes me very angry when I look at the headlines, the front page article of the New York Times. In the CIA slush funds, in the slush fund you have \$2 billion that could have been applied to education and job training programs; \$2 billion are there that could be applied to education and job training programs.

In the continuing resolution, the CIA budget is not touched. The CIA budget

has certainly been discussed on the floor of this House, because I have joined with some colleagues of mine to bring a resolution to cut the CIA budget by just 10 percent per year over a 5-year period, so that that \$28 billion which is the figure that is acknowledged to be the minimum that is going to the CIA, the intelligence budget, that \$28 billion would be cut by \$2.8 billion per year over a 5-year period and the agency would be cut to half its size within 5 years.

We have had that resolution on the floor twice and it has been soundly defeated. We have never gotten more than 60 votes. I think 57 is the highest number of votes we got for this agency that now has a \$2 billion slush fund that is discovered. So that \$2 billion is very important.

What does it say about the sincerity of the people who are staging, waging this revolution to remake America? What does it say if they have not even bothered to cut any portion of a CIA budget, which is a budget obviously which ought to be looked at closely, since it was fashioned during the cold war and the cold war was primarily a war with the Soviet Union. Half of all of our military and intelligence resources were directed at the Soviet Union. Why is it that after the Soviet Union has fallen, the CIA budget cannot be cut?

Well, the Soviet Union's intelligence agency at least is no longer a secret agency totally. People say, "Well, they're only revealing certain things to us." At least they reveal a few things to us.

I do not want the CIA of the United States, the intelligence agency of the United States, to reveal all of its secrets to us. I would just like to know the budget. I think the American people deserve to see the budget. We do not want the safe houses revealed, we do not want the agents provocateurs named, the femme fatales, we do not want the information sources, we do not want any of that revealed. We would just like to see the budget.

The budget is a secret. Because it is a secret, nobody can really deal with cutting the budget. It turns out that not only is the overall intelligence budget a secret but within the CIA, there are secrets within the agency that even the CIA Director does not know about.

Listen to this article.

"Critics of the National Reconnaissance Office, the secret agency that builds spy satellites, lost track of more than \$2 billion in classified money last year largely because of its own internal secrecy, intelligence officials say."

The National Reconnaissance Office is a secret agency within the whole intelligence operation. It is under the supervision and oversight of the CIA Director, but it has so much secrecy, even within its own confines, the reconnaissance agency, that it lost track of \$2 billion last year.

We have heard this story before when it was just germinating, and they

leaked out it was at least \$1 billion and then some sources said \$1.5 billion. Now it is up to \$2 billion.

"Critics of the reconnaissance office said today that the money had been hidden in several rainy day accounts that secretly solidified into a slush fund." Listen to the language. This is not some Monty Python novel. This is a description of what the statements were of the U.S. Government Intelligence Agency.

"Critics of the reconnaissance office said today that the money had been hidden in several rainy day accounts that secretly solidified into a slush fund."

How does a slush fund secretly solidify? How do rainy day accounts become a secretly solidified slush fund? Let us look at this from every angle. What is a rainy day for the CIA? What does that mean? Can the education agency have a rainy day fund? Can we have a rainy day fund for the School Lunch Program? What does a rainy day fund for the CIA mean?

To read on from the article itself, "The NRO," the National Reconnaissance Office—this is the National Reconnaissance Office which is a major part of the whole intelligence operation—"NRO's top managers themselves had no idea"—no idea—"how much money lay unspent in their classified coffers, Senator ARLEN SPECTER, the Pennsylvania Republican who heads the Senate Intelligence Committee, and Senator BOB KERREY, the Nebraska Democrat who is the panel's vice chairman, said in a prepared statement."

These two Senators have the oversight for the Agency, and they are telling us that not only did they not know but the top managers of the National Reconnaissance Office themselves said they had no idea. What kind of administrators are these?

I once was the commissioner for the Community Development Agency of New York City. The Community Development Agency had responsibility for the antipoverty program which was so unpopular with the establishment, and we had audiences every day. You had one set of reports required from one set of agencies, another set required from another set. At one time it was pointed out that for the Community Action program nationwide there were 100 major auditors, while at that time the Pentagon had three auditors. This was pointed out by an article in the New York Times at one point.

So I cannot see how a small community action program—I think at the height of the program we had \$70 million in New York City. At the height of the program it might have been \$1 billion in funding for the whole country. That program was constantly under scrutiny.

How do you have a multibillion-dollar agency where the top managers themselves can have no idea how much money is unspent in their coffers? And how do you accept that calmly? How

many people are being fired today? They used to close down agencies, and they used to bring in the FBI and investigate small agencies who had a few thousand dollars that they could not account for, and people sometimes went to jail for a few thousand dollars that they could not account for.

How does it happen that the National Reconnaissance Office can have a solidifying slush fund where the top managers cannot account for it and we are not in motion all over this Capitol to deal with it? How many hearings are being called to look into this National Reconnaissance Office's top managers' failure to keep account of billions of dollars?

Whitewater, we are spending millions of dollars to conduct a hearing on Whitewater. I am told that \$60 million was lost by the taxpayers when they went in to bail out Whitewater. \$60 million is a lot of money, I have heard that said over and over again in the Whitewater hearings. Yes; it is.

I wonder why they did not have hearings about Silverado. Silverado was a savings and loan in Colorado that failed and they lost \$2 billion. The taxpayers lost \$2 billion. We have not had any hearings on Silverado.

Neil Bush, the son of former President George Bush, was involved. He was on the board of the bank of Silverado. I think he was later fined a few dollars for some conduct of that board with respect to the failure of that savings and loan association. But we never had hearings here in Washington to go on and on about Silverado. Whitewater is suddenly important.

I mention this only because it is important for the American people to get into perspective what is going on. If a \$2 billion failure of a savings and loan bank called Silverado did not elicit any hearings at all, then why do you think we are having hearing after hearing about Whitewater when \$60 million is involved? There must be something else they are looking for. They are not concerned really about the integrity of the Federal Deposit Insurance Corporation. They are not concerned about the vast sums of money that Americans have had to spend to bail out savings and loan associations.

The sum that we spent to bail out savings and loan associations is probably totaling something now close to \$300 billion. Has any hearing been held to take a look at all of the Resolution Trust Corporation's operations? Where are we? Is there a progress report that is comprehensive about the billions of dollars we lost in the savings and loan associations?

I know I am diverting from the subject, but the savings and loans is the biggest scandal in the history of mankind. Civilization has never had a swindle near that proportion.

□ 1815

Even this National Reconnaissance Office scandal pales beside the savings and loan scandal, but maybe we can

comprehend the hypocrisy of what is going on if you come back to the National Reconnaissance Office.

What I am saying is that while we are cutting Head Start by \$300 million, while we are cutting title I by \$1.1 billion, which is one-seventh of the total, while we cannot clarify the funding of a summer youth employment program that provides jobs for the poorest young people in the country, while we have difficulty doing all that, while this revolutionary majority in the House is threatening to push the country into default in order to get their way in cutting Government expenditures. While all this is going on, \$2 billion cannot be accounted for, and there seems to be no excitement about it. I have not heard of a press conference being called by the leadership in the Senate or the House to deal with the implications of this super-blunder under the present situation.

Let me just continue to quote from the article that appeared in the New York Times today, January 30:

The amount of money was larger than anyone had known, well over \$2 billion, or more than the annual operating budget of the State Department, several military and intelligence officials said.

Just the language, just absorb the description of what is going on, the amount of money is larger than anyone had known, well over \$2 billion, or more than the annual operating budget of the State Department.

It is hard for people to conceive. What is \$2 billion? What is \$2 billion? How many welfare families can live for a year on \$2 billion? How many school lunches will \$2 billion buy? How many persons on Medicaid can receive medical attention for \$2 billion?

Let me just continue with the article:

One Senate Intelligence Committee aide described the misplaced money as a severe accounting problem.

I should say so, a severe accounting problem, "that had grown because of a lack of accountability." Listen to the language, you have a severe accounting problem that has grown because of a lack of accountability, in turn created by the extraordinary secrecy under which the Reconnaissance Office works. A team of auditors was dispatched by the Director of Central Intelligence, John Deutsch, and found the money in a series of investigations nearing completion. Great, Mr. Deutsch, I hope we can recover some of that money. Maybe you can give \$300 million to Head Start, maybe give a billion to title I. More than \$1 billion was tracked down and identified last year, in 1995, you know, less than 30 days ago.

Now that the money has been found, it will be used to help pay for Pentagon programs, we are told. I do not know how those decisions are made. Does the Congress have to get involved in making, after you discover that you have squirreled away \$2 billion? You know, in an atmosphere when we are trying to streamline and downsize Government, in an atmosphere where we want to show the American people that the era of big government is over, why do we let an agency that has squirreled

away a slush fund of \$2 billion decide how they are going to spend it? When do we come in? Can we use this money to guarantee that there will be a summer youth employment program in the big cities of America where the poorest children are where they need those jobs? Can we use the money to guarantee we will not cut the Head Start Program?

I am concerned, because the education deal that was made last Thursday was a shocking one. The protestations that came out of the White House, the leadership, everything indicated that education was a high priority and would be protected in negotiations, and then, you know, there was a rapid deterioration of the situation, and before we knew it, we were on the Floor voting for a continuing resolution which drastically cut education. It just so happened a few days before the continuing resolution was brought to the Floor there was a poll which was dramatized and publicized highly on the front pages of USA Today. A USA-CNN poll showed that the American people had rated education as the No. 1 priority concern. The No. 1 concern of the American people was education. I think that education had 68 percent over 67 percent of crime. Crime is still a great concern. Large numbers of people, 67 percent said that was No. 1, but a slightly higher number said that education was a primary concern.

People have great anxiety about their own education in order to keep up with the changing job environment, the downsizing, the layoffs. People have greater concern about the education of their children, whether or not their children are going to receive an education that is adequate to keep pace with this increasingly complex society. So when you consider that the polls that all politicians are supposed to look closely at, the polls show education is a No. 1 concern, it was just incomprehensible to me how we could come to the Floor and vote for a continuing resolution which cut education by \$3.1 billion, there is something wrong in this democracy.

On the other hand, we get news that the National Reconnaissance Office has squirreled away \$2 billion.

Let me just continue for a moment with the article:

This same National Reconnaissance Office is the agency that secretly spent more than \$300 million on its new headquarters outside Washington, a sum that the Senate Intelligence Committee said in 1994 was a shock to discover.

The Central Intelligence Agency, which has oversight responsibility for the National Reconnaissance Office which is part of the Central Intelligence Agency's responsibility, said it was shocked. The National Reconnaissance Office spent \$300 million on a building. You know, this is a physical structure. They were actually building a building outside this city of Washington. I think it is near Dulles Airport. They were spending \$300 million to build a building. That was a secret. How can you have a secret building? You must bow to the skills of an agency which can produce a secret building for \$300 million, and the people in Washington who are supposed to oversee it not know anything about it." The reconnaissance office still operates

in the deepest secrecy of any Government agency financed by the \$28 billion a year black budget, or classified above top secret, or military intelligence programs. It spends an estimated \$5 billion to \$6 billion annually, outside analysts say. This sum varies from year to year depending on how many satellites the agency is funding or building.

I am just going to conclude now the reading of the article by going to the last two paragraphs. "Mr. Deutsch, who is now the head of CIA who has responsibility for oversight of the National Reconnaissance Office, states when Mr. Deutsch took over as director of Central Intelligence last May, he vowed to control these classified accounts. On paper he is the chairman of all intelligence agencies as well as the CIA. In reality, the Reconnaissance Office has been its own fief for more than three decades, the critics like Mr. Pike say. Mr. Deutsch has sought and may receive." He may receive, "Mr. Deutsch," who is in charge of the intelligence operations of the United States, "has sought," and the article says he may receive real power over the budgets he now controls in name only. Presidential and congressional panels studying the intelligence community are likely to recommend that.

Just listen to the language in this great democracy of ours, with very responsible people making decisions. How do you get language like that, that the head of an agency may receive, even now with the scandal obvious and public is not certain that he will receive power over these secret budgets, and yet we go on with the blitzkrieg against programs for low-income people. The blitzkrieg rolls on.

Welfare as we know it, aid to families with dependent children will fall in the next 10 years. Certainly when this continuing revolution is over, I do not expect to see aid to families with dependent children still standing as an entitlement. I am sorry to be pessimistic. All the protestations that are being made lead in that direction, in my opinion. I think that will fall.

I hope we can protect Medicaid as an entitlement. It is very important to at least hold onto Medicaid as an entitlement, because it Medicaid is not an entitlement for poor people, then there is no hope ever of having universal health care.

Education, I hope, can be renegotiated back to a level that is acceptable in terms of the continuation of Head Start and title I and some other very important programs in the labor budget, especially the Summer Youth Employment Program.

I hope all of those things can go forward, but when you look at this phenomenon of the super blunder of the CIA which has received so little attention here, none of the members of the Republican majority leadership have made any statements about this, and yet they vehemently insist that school

lunches must be cut, aid to families with dependent children must be cut, meaning the poorest children in America have to pass a means test, you have to prove you are poor before you can get the aid to families with dependent children, you know, all of these things are indications that this struggle, this war to remake America is about more than money. If they are really concerned about money, they would be very concerned about the CIA's \$2 billion.

The concern is not about money. The concern is about the destruction of a certain class of people. There is not a class war in America. There is a class massacre going on. A war means you have two contending parties.

The poorest people in this country cannot defend themselves and they are being massacred by this new majority in the Congress. The massacre goes on. If we were concerned about streamlining government, we would be talking downsizing the Pentagon. We would have some rooms in the Pentagon available for the homeless soon.

We would be talking certainly about the National Reconnaissance agency changing drastically. The last thing we would be talking about is cutting education if we were concerned about really an American that is going to go forward and be able to carry its own weight.

Education is the primary tool by which that is accomplished. People help themselves when they get an education. In New York City, they have always understood that. Even during the Depression we had a city university which was totally free. During the Depression, where did the revenue come from to keep it a totally free university even during the Depression? Now, of course, there are tremendous cut-backs new tuition increases, et cetera.

I want to spend the rest of my time, the second half of my 60 minutes, discussion the implications of the CIA super blunder on the revenue side. You know, we have a discussion that ought to be always conducted with two major components.

Where liberals or progressives have lost out in the past is that they have left the revenue discussion, the tax discussion, to the conservatives. Somehow that has been dirty business for us, and we have not spent enough time discussing revenue.

The flat tax is a major issue within the Republican primary. Tax proposals were first initiated by Republicans. The dominant discussion is about ways in which really you can fashion the taxes, the revenue gathering process, to benefit the richest people in America. Where is the revenue counterproposal from the other side? Where are the proposals for revenue to be

gathered and how it should be gathered and how we can maintain a revenue stream that finances all programs that are important to the American people? And what does that CIA problem have to do with that?

Well, the National Reconnaissance Office is an example of a tremendous investment made by the American people in new technology, new technology. Billions of dollars have already been poured into the National Reconnaissance Office. They use new technology. They got it to maximize the use of satellites and other electronic devices in the spying operations across the globe.

□ 1830

They perfect computers, they perfect radar. Everything that is happening in the state-of-the-art technology you will find in the National Reconnaissance Agency or the taxpayer-financed space program. As you have found it in years past in all sectors of the military, the Air Force, the Navy, the Army, they have perfected new technology with the dollars that Americans have generated through their taxes.

So what does this have to do with revenue? A major problem we have in terms of the quest for new revenue or the quest for a revenue stream is that we are always talking in terms that are obsolete. The only place that new revenue can come from we believe is from the pockets of the American people. The workers must pay income tax, and income tax is the primary way we finance the Government.

Should the income tax continue to be the primary way to finance the Government? I do not think so. Even if you have tax justice and corporations begin to pay more taxes, a greater share of corporations are now not paying their fair share of the income taxes. As I have said many times on this floor, individuals and families are paying about 44 percent of the income taxes. Corporations are now paying 11.4 percent. Corporations at one time under Ronald Reagan in 1983 were paying as little as 6.4 percent of the total tax burden. That year, the tax burden for individuals and families went up to 48 percent.

There are figures that need to be repeated over and over again. So we need to have corporations pay a greater share of the taxes, because an undue burden has been placed on families and individuals. A tax cut for families and individuals is long overdue. We need a tax cut for families and individuals.

But can we get revenue which can pay for Medicare? Can we get revenue you need to pay for Medicaid? Can we get the revenue we need to pay for education? Can we get the revenue we need to pay for the system that President Clinton mentioned in his State of the Union Address? I think we heard him say in California they had a pilot project going where 20 percent of the State schools would be wired up so they could participate on the information superhighway. They would be able to join the Internet and do other things

because they have computers, proper wiring for those schools. The President also said by the year 2000, he expected all of the schools of America to be able to participate in this program. We are going to have all the schools wired up with computers, and they will be able to join the information superhighway by the year 2000.

That is a great program. I heartily endorse it. I do not think we should reduce I in the meantime or Head Start, but we need to go forward with a program to lead our schools into the 21st century and have them become a part of the information superhighway.

That is going to cost money. Any investment in education will cost money. No matter how much you downsize, as you should be doing in the Pentagon or should be downsizing in the CIA, the downsizing and the streamlining of our expenditures so that we get rid of the real waste in places like the CIA, we get rid of a \$2 billion slush fund, that kind of downsizing will not end the necessity for more revenue.

So we need a program. Progressives, liberals, and Democrats, and I am a liberal, proud to be a liberal, we need to tackle the revenue problem head on. I proposed in a bill that I introduced on October 24 of last year to create a Revenues Commission, a Creative Revenues Commission. The Creative Revenues Commission would facilitate the reform of the Federal tax system. The Creative Revenues Commission would go beyond a flat tax on the incomes of corporations or individuals and look at the whole situation.

We are now in 1996. We are just 4 years away from the beginning of the 21st century. Let us look at the whole tax situation, look at the whole revenue producing situation. Let us determine whether or not we need to continue to throw overboard large segments of the population. Do we have to, in America, throw overboard young people that need an education and help from the Federal Government in order for their schools to function properly? Do we have to continue to throw overboard young people who do not have the proper wherewithal, for various reasons, and they need aid to dependent children? Do we need to continue to throw overboard elderly people who will have Medicare, but in the States Medicare is already being reduced? New Jersey just took away prescription allowances. New York took away certain benefits several years ago, eyeglasses, prescriptions, a number of things. More cuts like that are going to take place. Do we need to keep trimming the health care in order to have a viable economy in order to balance the budget?

Balancing the budget is not my favorite remedy, but balancing the budget seems to have caught hold. Let us have a balanced budget. If we are going to have a balanced budget, then let us look at the revenue side and be more creative about the revenue we produce.

So I introduced a bill, H.R. 2526, to create a Creative Revenues Commis-

sion. This commission will deal with the whole spectrum of possible revenue sources. In the findings we state that many proposals have been offered to reform the Federal tax system, including a national sales tax, a flat tax, a value-added tax, and a tax system exempting savings from taxation.

These proposals have merit and they deserve to be examined. Nonetheless, none of these proposals address the fact that the Nation's tax burden has shifted dramatically over the past five decades from the shoulders of corporate America to the backs of American workers.

Ways to correct this imbalance must be developed and implemented. For the first time in American history, median wages of full-time male workers have fallen for more than two decades, therefore making it necessary to reduce taxes on wages. For the first time in American history a majority of workers have suffered real wage reductions, while the per capital domestic product has advanced.

Then I state, what is new. Technology advances have created important potential new revenue sources. Important potential new revenue sources have been created by technology. We can now derive revenue from the selling or leasing of the radio frequency spectrum.

When I first proposed that on the floor of the House, a member of the majority later that day called it a joke. He said "Here is a Democrat who proposes taxing the air above us." There is a spectrum up there. There are frequencies up there. There are valuable things up there in the air above us. The air above us is owned by all of the American people. I see no reason why we cannot derive revenue from the people who are going to use that for various profitmaking endeavors. Why should not the Government and all the people benefit from what happens to the air above us?

These must be thoroughly explored. It was a joke, but I noticed that when the President came in with his balanced budget proposal, he had added quite a bit of money to the possible revenues to be derived from the selling or the leasing of the spectrum. So it is a joke that already has become a serious matter.

I want it go further than just to look at the environment, the air above us. By the way, for the American people to derive an income from the air above us is nothing new. The land that was here when we got here, the Government still owns part of that land, and we are deriving some revenue from grazing lands, we are deriving tiny amounts of revenue from mining. All of those kinds of possible revenue sources have to be reexamined. A great debate has been waged here. The interior appropriations bill has been held up here because we are tired of having mining lands given away. Mines which bear millions of dollars of ore gold and various other substances, those mines

have been almost given away in the past 20 or 30 years because of deals that have been cut with often foreign mining companies. So we should realize revenue from those mines and from any other lands still owned by the Federal Government.

The Government once regulated the way land was given out, the great land rush and stakes for land a number of processes were used to parcel out land in early America. I might note, however, that even after the slaves were freed by the Civil War and the 13th, 14th, and 15th amendments were passed, blacks were not allowed to lay claim to such lands. Nevertheless, the land was there and the Government regulated how the land was given out.

So why cannot the Government regulate what happens to the air above us? Why can we not have as much income for all the people derived from what happens to the resources the Government still controls as we can? It belongs to all of us.

What I am proposing in connection with the technology is a bit more complicated. I am saying that one of the things that the Creative Revenues Commission ought to look at is the establishment of a system of royalties. Royalties ought to be paid by companies that are benefiting from publicly financed research and development. The technology that is being used to make billions of dollars, and Wall Street is booming, technology stocks are way up, various other profits are being maximized by automation, by computerization, by miniaturization, all of these things were developed by the U.S. citizens through the financing of research and development in the military.

We would not have radio as we know it today if the Navy had not taken a great interest in the new inventions related to radio. The U.S. Navy played a major role in the development of radio, and all the things that came from radio could not have happened without that.

Radar was a military concern, and whatever happens with radar is a military product. All of these ventures were financed by the American people, by the taxpayers. We should be able to derive some continuing amount of money from the investment that the taxpayers made. There ought to be royalties on products that clearly come from a stream of research and development activities run by the Government.

The National Reconnaissance Agency, which has all this money squirreled away, the National Reconnaissance Agency, which is wasting money, is also producing some very useful technological products. The satellites that they generated and developed and pioneered, satellites are now used in civilian purposes more than for military purposes. Satellites made it possible for 750 million people to watch the Super Bowl all over the globe. Satellites make it possible for us to communicate in a matter of minutes to all parts of the globe.

Those satellites, privately owned up there, were made possible by the research and development costs financed by the American taxpayers. Every satellite ought to have some sort of surcharge on it. The profits made from the satellites ought to have an a surcharge, a royalty. Something should be done to derive some income from the investment made by the American people.

In private life, in business, nobody makes investments and suddenly allows the abrogation of their investment, the returns on their investment. You make an investment and you do not expect anybody to tamper with your right to receive the return on that investment to the degree you have invested. The American people have invested in technologies that are making tremendous amounts of profits, and there ought to be a royalty considered, some kind of way to tap into the products, the sales of each product, or to tap into the profits made on these products that are financed by the American people.

There ought to be some laws related also to companies that have grown very big and as a result of technology have begun to absorb their competitors and establish monopolies. We have laws against monopolies. Why not take a look at monopolies and certain companies as they grow big, and if they have monopolies in certain areas and there are no competitors on the products they are selling, to the degree they lose the competition, perhaps they should have a surcharge, a surcharge on monopolies.

□ 1845

Mr. Speaker, maybe beginning at 25 percent when a company gets 25 percent of the market, maybe we can begin a surcharge. Certainly if it has a 100-percent monopoly, it ought to be paying some kind of surcharge, which relates to the fact that its expenses are less. It has access to a market, total access to a market.

All of these may seem like far-out ideas, but I wish to put them forward in order to have a creative revenues commission examine them. We do not need to continue to listen to the cries that the Medicare fund will be insolvent by the year 2002. The Medicare fund can be partially financed by other revenues if that is necessary. We do not need to listen to the cries that the American people cannot afford to invest in education.

Sure, education is not one of the items mentioned as a function of the Federal Government in the Constitution. Education is not mentioned at all, but the promotion of the general welfare means that we have to do whatever is necessary to promote the general welfare.

The national security is a major concern of the Constitution, and all avenues of the Federal Government, all of the agencies of the Federal Government are concerned with national security. Education becomes one of those

ways in which the general welfare is promoted and the national security is maintained. We cannot survive, and I think it has been said over and over again that, probably education has become more important in our national security than the military might of America. The threat to America and its institutions, the threat to America and its economy, is no longer a military threat. Unless we are predicting that there is some superior intelligence in outer space that might come in, there is no threat on the Earth that makes it necessary for us to maintain the kind of military power that we have now, or to be fearful of ever being overwhelmed by any other military power.

I know that all of us have read recently where certain planets have been discovered that we did not know about before. Obviously there are certain solar systems that are there that we did not know about before. The universe is larger and more mysterious than we thought it was. It is possible that out there in outer space there are some creatures who might be able to come in and attack the United States. That is a possibility. Maybe we ought to take a closer look at that.

In the real world of the solar system that we inhabit right now and on the planet Earth, there is no force that can overwhelm America militarily, but there are forces at work all the time undermining our economy. Therefore, we should deal with the period between now and the year 2000 as a transitional period, a period where you can have maximum profits being made on Wall Street. Corporations are booming, going forward because technology is feeding the profits.

We can have that at the same time we have maximum dislocations beginning in the workforce, at the same time that we have large amounts of workers that are being laid off. Those who are working find that their wages are stagnating. Those who are at the bottom of the level in terms of wages find that there is no way to get an increase in even the minimum wage.

So, the creative revenues commission appointed by the President or appointed by the Secretary of Treasury, or some method by which we get some of the most experienced people in the country—experts in taxation, the economy, whatever—we need a cross-section of very brilliant minds. That commission would be allowed to come back with recommendations, given a finite period of time. It should be a short period of time.

Instead of Steve Forbes being the expert on the flat tax, and the only people who can challenge him are candidates who are running against him with their own point of view and their own vested interest in wanting to knock down his version of the flat tax, let us have some kind of commission that every American voter and taxpayer can look at and make a determination as to what is reality, and

what is credible and what is useful. Let us have a commission that says, we have a National Reconnaissance Agency that can afford to hide \$2 billion and nobody discovers it.

If we have a National Reconnaissance Agency that is going forward creating satellites and new technology, spending billions of dollars per year, then not only do we need to look at downsizing that National Reconnaissance Agency and bringing it under control as we do every other aspect of Government, if we are going to have the end of the era of big Government with respect to expenditures, then certainly the CIA and the National Reconnaissance Agency ought to be part of the downsizing, part of ending the era of big Government.

In addition to looking at the National Reconnaissance Agency and the superblunder and what the implications are, look also at the revenue implications, all of that investment by the American people in the National Reconnaissance Agency and how many ways can the American taxpayers realize a profit from their investment, a dividend from their investment? How can that investment pay off for us? How can we make the previous investments in technology through the space agency pay off in terms of revenues for the American people?

How can we make the investment by the military in radar, in radio, in television, in computers? How can we make all of those investments pay off for the average American instead of just feeding billions of dollars into the coffers of the richest Americans who happen to be in a position to make use of the technology?

Those are relevant points as we go forward contemplating, fearing a shutdown of the Government. There is going to be a default. The worst kind of shutdown would be a default. If the issue of that default is the determination of the majority party to get their agenda across, they want to downsize the Government, they want to streamline the Government, if this is the issue, then let the majority in this House address itself to the superblunder of the day, the CIA's discovery of \$2 billion in a slush fund.

If we are serious about addressing the era of big Government, let the President come forward with a special commission to investigate what is going on in the National Reconnaissance Agency.

Let us take a look at where our great investment is being made. If we are not investing in education, if the American people have indicated in a poll that they want a greater investment in education, they want education to be a priority for the Government, then we are ignoring the priorities set by the American people.

We are going forward not only in the Federal Government, but at the State level. In New York, Governor Pataki has a series of cuts in education, not only cuts in the elementary and sec-

ondary schools but also big cuts in the university system. In New York City, we have the mayor projecting another round of cuts for the city's schools, many of which are literally falling apart physically. Overcrowding is the dominant factor in many of the schools.

Mr. Speaker, all this is going forward in an era when we are able to have Government agencies squirrel away \$2 billion and nobody asking any questions about how it happened and why it happened and why we cannot recapture that \$2 billion for worthwhile programs like education.

The superblunder of the year is the blunder of the CIA. The superaction of the year would be to take some real steps to correct that kind of blunder, to seriously downsize our Government for the benefit of the American people, and to examine the activities of major Government agencies like the National Reconnaissance Agency, as they move technology forward, and create with American taxpayers' dollars new technological advantages for companies that make tremendous profits and give nothing back to the American people.

Everybody deserves to benefit from both the downsizing of wasteful agencies like the National Reconnaissance Agency and the CIA. Everybody deserves the benefit from the good work that these agencies do in terms of new technology that we all have a stake in and we should all be able to receive some benefits from.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. OXLEY) to revise and extend their remarks and include extraneous material:)

Ms. ROS-LEHTINEN, for 5 minutes, January 31.

Mr. BRYANT of Tennessee, for 5 minutes, today.

Mr. DIAZ-BALART, for 5 minutes, January 31.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

(The following Members (at the request of Mrs. LINCOLN) and to include extraneous matter:)

Mr. HAMILTON.

Ms. PELOSI in two instances.

(The following Members (at the request of Mr. OXLEY) and to include extraneous matter:)

Mr. SMITH of New Jersey.

Mr. HORN.

Mr. QUINN.

(The following Members (at the request of Mr. OWENS) and to include extraneous matter:)

Mr. MFUME.

Ms. EDDIE BERNICE JOHNSON of Texas.

Ms. JACKSON-LEE of Texas.
Mrs. JOHNSON of Connecticut.

SENATE BILLS REFERRED

Bills of the Senate of the following titles were taken from the Speaker's table and, under the rule, referred as follows:

S. 1543. An act to clarify the treatment of Nebraska impact aid payments; to the Committee on Education and Economic Opportunity.

S. 1544. An act to authorize the conveyance of the William Langer Jewel Bearing Plant to the Job Development Authority of the City of Rolla, North Dakota; to the Committee on National Security.

ENROLLED BILLS SIGNED

Mr. THOMAS, from the Committee on House Oversight, reported that that committee had examined and found truly enrolled bills of the House of the following titles, which were thereupon signed by the Speaker:

H.R. 1868. An act making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 1996, and for other purposes;

H.R. 2029. An act to amend the Farm Credit Act of 1971 to provide regulatory relief, and for other purposes;

H.R. 2111. An act to designate the Federal building located at 1221 Nevin Avenue in Richmond, California, as the "Frank Hagel Federal Building"; and

H.R. 2726. An act to make certain technical corrections in laws relating to Native Americans, and for other purposes.

SENATE ENROLLED BILL SIGNED

The SPEAKER announced his signature to an enrolled bill of the Senate of the following title:

S. 1124. An act to authorize appropriations for fiscal year 1996 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, to reform acquisition laws and information technology management of the Federal Government, and for other purposes.

BILLS PRESENTED TO THE PRESIDENT

Mr. THOMAS, from the Committee on House Oversight, reported that that committee did on the following day present to the President, for his approval, a bill of the House of the following title:

On January 26:

H.R. 2880. Making appropriations for fiscal year 1996 to make a downpayment toward a balanced budget, and for other purposes.

ADJOURNMENT

Mr. OWENS. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 6 o'clock and 55 minutes p.m.), the House adjourned until tomorrow, Wednesday, January 31, 1996, at 11 a.m.

EXPENDITURE REPORTS CONCERNING OFFICIAL FOREIGN TRAVEL

Reports concerning the foreign currencies and U.S. dollars utilized by various committees of the U.S. House of Representatives during the third and fourth quarters of 1995, as well as a consolidated fourth quarter 1995 report of foreign currencies and U.S. dollars utilized for official foreign travel authorized by the Speaker, U.S. House of Representatives, pursuant to Public Law 95-384, are as follows:

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON THE JUDICIARY, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JULY 1 AND SEPT. 30, 1995

Name of Member or employee	Date		Country	Per diem ¹		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	\$ U.S. dollar equivalent or U.S. currency ²	Foreign currency	\$ U.S. dollar equivalent or U.S. currency ²	Foreign currency	\$ U.S. dollar equivalent or U.S. currency ²	Foreign currency	\$ U.S. dollar equivalent or U.S. currency ²
Cordia Strom	8/29	8/31	Cuba	400.00			604.00				1,004.00
Committee total				400.00			604.00				1,004.00

¹ Per diem constitutes lodging and meals.

² If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

HENRY J. HYDE,
Chairman, Jan. 17, 1996

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON GOVERNMENT REFORM AND OVERSIGHT, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN OCT. 1 AND DEC. 31, 1995

Name of Member or employee	Date		Country	Per diem ¹		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency ²	Foreign currency	U.S. dollar equivalent or U.S. currency ²	Foreign currency	U.S. dollar equivalent or U.S. currency ²	Foreign currency	U.S. dollar equivalent or U.S. currency ²
George Nesterzuk	11/30	12/4	Great Britain				674.55				674.55
Committee total							674.55				674.55

¹ Per diem constitutes lodging and meals.

² If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

BILL CLINGER,
Chairman, Jan. 17, 1996

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON NATIONAL SECURITY, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN OCT. 1 AND DEC. 31, 1995

Name of Member or employee	Date		Country	Per diem ¹		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency ²	Foreign currency	U.S. dollar equivalent or U.S. currency ²	Foreign currency	U.S. dollar equivalent or U.S. currency ²	Foreign currency	U.S. dollar equivalent or U.S. currency ²
Visit to Germany, Oct. 10-12, 1995:											
John D. Chapla	10/10	10/12	Germany		238.00						238.00
Commercial airfare							3,222.55				3,222.55
Thomas M. Donnelly	10/10	10/12	Germany		238.00						238.00
Commercial airfare							3,222.55				3,222.55
Hon. Gene Taylor	10/20	10/21	Italy		207.00						207.00
	10/21	10/21	Macedonia								
	10/21	10/23	Italy		452.00						452.00
Commercial airfare							3,450.55				3,450.55
Committee totals					1,135.00		9,895.65				11,030.65

¹ Per diem constitutes lodging and meals.

² If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

Floyd D. Spence,
Chairman, Jan. 31, 1996

AMENDED REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON NATIONAL SECURITY, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JUL. 1, 1995 AND SEPT. 30, 1995

Name of Member or employee	Date		Country	Per diem ¹		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency ²	Foreign currency	U.S. dollar equivalent or U.S. currency ²	Foreign currency	U.S. dollar equivalent or U.S. currency ²	Foreign currency	U.S. dollar equivalent or U.S. currency ²
Visit to Israel, Greece, Italy and Portugal, Aug. 10-20, 1995:											
Hon. Partrick J. Kennedy	8/15	8/15	Italy				560.80		81.32		642.12
Visit to Belgium, Estonia, Romania, Norway, and Denmark, Aug. 21-Sept. 1, 1995:											
Delegation expenses	8/23	8/25	Estonia				221.69		37.55		259.24
Committee totals							782.49		118.87		901.36

¹ Per diem constitutes lodging and meals.

² If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

Floyd D. Spence,
Chairman, Jan. 31, 1996

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON RESOURCES, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN OCT. 1 AND DEC. 31, 1995

Name of Member or employee	Date		Country	Per diem ¹		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency ²	Foreign currency	U.S. dollar equivalent or U.S. currency ²	Foreign currency	U.S. dollar equivalent or U.S. currency ²	Foreign currency	U.S. dollar equivalent or U.S. currency ²
Bonnie Bruce	11/9	11/18	Spain	216,713	1,767.93		570.95				2,338.88
Jean Flemma	11/10	11/17	Spain	206,890	1,687.80		570.95				2,258.75
Committee total					3,455.73		1,141.90				4,957.63

¹ Per diem constitutes lodging and meals.

² If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

Don Young,
Chairman, Jan. 23, 1996

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON SCIENCE, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN OCT. 1 AND DEC. 31, 1995

Name of Member or employee	Date		Country	Per diem ¹		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency ²	Foreign currency	U.S. dollar equivalent or U.S. currency ²	Foreign currency	U.S. dollar equivalent or U.S. currency ²	Foreign currency	U.S. dollar equivalent or U.S. currency ²
Shana Dale	9/30	10/06	Norway		1,566.00						1,566.00
Commercial Airfare							2,469.25				2,469.25
Richard M. Obermann	10/1	10/08	Norway		2,088.00						2,088.00
Commercial Airfare							2,213.25				2,213.25
Michael Quear	10/04	10/08	Mexico		956.00						956.00
Commercial Airfare							511.95				511.95
Christopher Roosa	10/04	10/08	Mexico		956.00						956.00
Commercial Airfare							511.95				511.95
Harlan Watson	12/02	12/08	Austria		1,060.00						1,060.00
Commercial Airfare	12/09	12/17	Italy		2,043.00						2,043.00
Commercial Airfare							950.00				950.00
William S. Smith	12/02	12/08	Austria		1,060.00						1,060.00
Commercial Airfare	12/09	12/13	Italy		1,135.00						1,135.00
Commercial Airfare							1,398.00				1,398.00
Committee totals					10,864.00		8,054.40				18,918.40

¹ Per diem constitutes lodging and meals.

² If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

ROBERT S. WALKER,
Chairman, Jan. 22, 1996.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, DELEGATION TO NORTHERN IRELAND AND IRELAND, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN NOV. 29 AND DEC. 2, 1995

Name of Member or employee	Date		Country	Per diem ¹		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency ²	Foreign currency	U.S. dollar equivalent or U.S. currency ²	Foreign currency	U.S. dollar equivalent or U.S. currency ²	Foreign currency	U.S. dollar equivalent or U.S. currency ²
North Ireland:											
Hon. James T. Walsh	11/30	12/1	North Ireland	English pound	184.00		(³)				
Hon. Dennis Hastert	11/30	12/1	North Ireland	English pound	184.00		(³)				
Hon. Michael McNulty	11/30	12/1	North Ireland	English pound	184.00		(³)				
Hon. Peter King	11/30	12/1	North Ireland	English pound	184.00		(³)				
Hon. Peter Torkildsen	11/30	12/1	North Ireland	English pound	184.00		(³)				
Hon. Tom Ewing	11/30	12/1	North Ireland	English pound	184.00		(³)				
Hon. Barbara Kennelly	11/30	12/1	North Ireland	English pound	184.00		(³)				
Hon. Tom Manton	11/30	12/1	North Ireland	English pound	184.00		(³)				
Hon. Bart Stupak	11/30	12/1	North Ireland	English pound	184.00		(³)				
Hon. Joe Kennedy	11/30	12/1	North Ireland	English pound	184.00		(³)				
Hon. Ed Markey	11/30	12/1	North Ireland	English pound	184.00		(³)				
Hon. Carolyn Maloney	11/30	12/1	North Ireland	English pound	184.00		(³)				
Hon. Jerry Costello	11/30	12/1	North Ireland	English pound	184.00		(³)				
Hon. Robert Borski	11/30	12/1	North Ireland	English pound	184.00		(³)				
Hon. Maurice Hinchey	11/30	12/1	North Ireland	English pound	184.00		(³)				
Hon. Jim Moran	11/30	12/1	North Ireland	English pound	184.00		(³)				
Hon. Victor Frazer	11/30	12/1	North Ireland	English pound	184.00		(³)				
Hon. John Macke	11/30	12/1	North Ireland	English pound	184.00		(³)				
Hon. Jim O'Connor	11/30	12/1	North Ireland	English pound	184.00		(³)				
Hon. Tom O'Donnell	11/30	12/1	North Ireland	English pound	184.00		(³)				
Ireland:											
Hon. James T. Walsh	12/1	12/2	Ireland	Irish pound	271.00		(³)				
Hon. Dennis Hastert	12/1	12/2	Ireland	Irish pound	271.00		(³)				
Hon. Michael McNulty	12/1	12/2	Ireland	Irish pound	271.00		(³)				
Hon. Peter King	12/1	12/2	Ireland	Irish pound	271.00		(³)				
Hon. Peter Torkildsen	12/1	12/2	Ireland	Irish pound	271.00		(³)				
Hon. Tom Ewing	12/1	12/2	Ireland	Irish pound	271.00		(³)				
Hon. Barbara Kennelly	12/1	12/2	Ireland	Irish pound	271.00		(³)				
Hon. Tom Manton	12/1	12/2	Ireland	Irish pound	271.00		(³)				
Hon. Bart Stupak	12/1	12/2	Ireland	Irish pound	271.00		(³)				
Hon. Joe Kennedy	12/1	12/2	Ireland	Irish pound	271.00		(³)				
Hon. Ed Markey	12/1	12/2	Ireland	Irish pound	271.00		(³)				
Hon. Carolyn Maloney	12/1	12/2	Ireland	Irish pound	271.00		(³)				
Hon. Jerry Costello	12/1	12/2	Ireland	Irish pound	271.00		(³)				
Hon. Robert Borski	12/1	12/2	Ireland	Irish pound	271.00		(³)				
Hon. Maurice Hinchey	12/1	12/2	Ireland	Irish pound	271.00		(³)				
Hon. Jim Moran	12/1	12/2	Ireland	Irish pound	271.00		(³)				
Hon. Victor Frazer	12/1	12/2	Ireland	Irish pound	271.00		(³)				
Hon. John Macke	12/1	12/2	Ireland	Irish pound	271.00		(³)				
Hon. Jim O'Connor	12/1	12/2	Ireland	Irish pound	271.00		(³)				
Hon. Tom O'Donnell	12/1	12/2	Ireland	Irish pound	271.00		(³)				

¹ Per diem constitutes lodging and meals.

² If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

³ Military air transportation.

JAMES T. WALSH,
Jan. 18, 1996.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, DELEGATION TO BOSNIA, CROATIA AND SERBIA, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN DEC. 1 AND DEC. 4, 1995

Name of Member or employee	Date		Country	Per diem		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Hon. Susan Molinari	12/1	12/2	Serbia		140.00		(3)				140.00
Hon. Jim Kolbe	12/1	12/2	Serbia		140.00		(3)				140.00
Hon. Stephen Buyer	12/1	12/2	Serbia		140.00		(3)				140.00
Hon. Scott McInnis	12/1	12/2	Serbia		140.00		(3)				140.00
Hon. Sam Brownback	12/1	12/2	Serbia		140.00		(3)				140.00
Hon. Barbara Vucanovich	12/1	12/2	Serbia		140.00		(3)				140.00
Hon. Rodney Frelinghuysen	12/1	12/2	Serbia		140.00		(3)				140.00
Hon. Mike Castle	12/1	12/2	Serbia		140.00		(3)				140.00
Hon. Sue Kelly	12/1	12/2	Serbia		140.00		(3)				140.00
Hon. Sander Levin	12/1	12/2	Serbia		140.00		(3)				140.00
Hon. Glenn Poshard	12/1	12/2	Serbia		140.00		(3)				140.00
Hon. Sheila Jackson-Lee	12/1	12/2	Serbia		140.00		(3)				140.00
Hon. David Skaggs	12/1	12/2	Serbia		140.00		(3)				140.00
Hon. Earl Pomeroy	12/1	12/2	Serbia		140.00		(3)				140.00
Hon. Cynthia McKinney	12/1	12/2	Serbia		140.00		(3)				140.00
Hon. Susan Molinari	12/2	12/3	Croatia		188.00		(3)				188.00
Hon. Jim Kolbe	12/2	12/3	Croatia		188.00		(3)				188.00
Hon. Stephen Buyer	12/2	12/3	Croatia		188.00		(3)				188.00
Hon. Scott McInnis	12/2	12/3	Croatia		188.00		(3)				188.00
Hon. Sam Brownback	12/2	12/3	Croatia		188.00		(3)				188.00
Hon. Barbara Vucanovich	12/2	12/3	Croatia		188.00		(3)				188.00
Hon. Rodney Frelinghuysen	12/2	12/3	Croatia		188.00		(3)				188.00
Hon. Mike Castle	12/2	12/3	Croatia		188.00		(3)				188.00
Hon. Sue Kelly	12/2	12/3	Croatia		188.00		(3)				188.00
Hon. Sander Levin	12/2	12/3	Croatia		188.00		(3)				188.00
Hon. Glenn Poshard	12/2	12/3	Croatia		188.00		(3)				188.00
Hon. Sheila Jackson-Lee	12/2	12/3	Croatia		188.00		(3)				188.00
Hon. David Skaggs	12/2	12/3	Croatia		188.00		(3)				188.00
Hon. Earl Pomeroy	12/2	12/3	Croatia		188.00		(3)				188.00
Hon. Cynthia McKinney	12/2	12/3	Croatia		188.00		(3)				188.00
Hon. Susan Molinari	12/3	12/4	Italy	300.048	188.00		(3)			300.048	188.80
Hon. Jim Kolbe	12/3	12/4	Italy	300.048	188.00		(3)			300.048	188.80
Hon. Stephen Buyer	12/3	12/4	Italy	300.048	188.00		(3)			300.048	188.80
Hon. Scott McInnis	12/3	12/4	Italy	300.048	188.00		(3)			300.048	188.80
Hon. Sam Brownback	12/3	12/4	Italy	300.048	188.00		(3)			300.048	188.80
Hon. Barbara Vucanovich	12/3	12/4	Italy	300.048	188.00		(3)			300.048	188.80
Hon. Rodney Frelinghuysen	12/3	12/4	Italy	300.048	188.00		(3)			300.048	188.80
Hon. Mike Castle	12/3	12/4	Italy	300.048	188.00		(3)			300.048	188.80
Hon. Sue Kelly	12/3	12/4	Italy	300.048	188.00		(3)			300.048	188.80
Hon. Sander Levin	12/3	12/4	Italy	300.048	188.00		(3)			300.048	188.80
Hon. Glenn Poshard	12/3	12/4	Italy	300.048	188.00		(3)			300.048	188.80
Hon. Sheila Jackson-Lee	12/3	12/4	Italy	300.048	188.00		(3)			300.048	188.80
Hon. David Skaggs	12/3	12/4	Italy	300.048	188.00		(3)			300.048	188.80
Hon. Earl Pomeroy	12/3	12/4	Italy	300.048	188.00		(3)			300.048	188.80
Hon. Cynthia McKinney	12/3	12/4	Italy	300.048	188.00		(3)			300.048	188.80
W. Livingood	12/1	12/2	Serbia		140.00		(3)				140.00
Peter Davidson	12/1	12/2	Serbia		140.00		(3)				140.00
Tom Donnelly	12/1	12/2	Serbia		140.00		(3)				140.00
Brett O'Brien	12/1	12/2	Serbia		140.00		(3)				140.00
Kevin Tyne	12/1	12/2	Serbia		140.00		(3)				140.00
Jim Mazzarella	12/1	12/2	Serbia		140.00		(3)				140.00
Mara Rudman	12/1	12/2	Serbia		140.00		(3)				140.00
W. Livingood	12/2	12/3	Croatia		188.00		(3)				188.00
Peter Davidson	12/2	12/3	Croatia		188.00		(3)				188.00
Tom Donnelly	12/2	12/3	Croatia		188.00		(3)				188.00
Brett O'Brien	12/2	12/3	Croatia		188.00		(3)				188.00
Kevin Tyne	12/2	12/3	Croatia		188.00		(3)				188.00
Jim Mazzarella	12/2	12/3	Croatia		188.00		(3)				188.00
Mara Rudman	12/2	12/3	Croatia		188.00		(3)				188.00
W. Livingood	12/3	12/4	Italy	300.048	188.00		(3)			300.048	188.00
Peter Davidson	12/3	12/4	Italy	300.048	188.00		(3)			300.048	188.00
Tom Donnelly	12/3	12/4	Italy	300.048	188.00		(3)			300.048	188.00
Brett O'Brien	12/3	12/4	Italy	300.048	188.00		(3)			300.048	188.00
Kevin Tyne	12/3	12/4	Italy	300.048	188.00		(3)			300.048	188.00
Jim Mazzarella	12/3	12/4	Italy	300.048	188.00		(3)			300.048	188.00
Mara Rudman	12/3	12/4	Italy	300.048	188.00		(3)			300.048	188.00
Committee total					11,352						11,352

¹ Per diem constitutes lodging and meals.
² If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.
³ Military air transportation.

SUSAN MOLINARI,
Jan. 3, 1996.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, DELEGATION TO BOSNIA, CROATIA, ITALY, GERMANY AND BELGIUM, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN DEC. 8 AND DEC. 11, 1995

Name of Member or employee	Date		Country	Per diem ¹		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency ²	Foreign currency	U.S. dollar equivalent or U.S. currency ²	Foreign currency	U.S. dollar equivalent or U.S. currency ²	Foreign currency	U.S. dollar equivalent or U.S. currency ²
Hon. J. Dennis Hastert	12/8	12/11	Bosnia/Croatia		497.00						497.00
Hon. Bob Livingston	12/8	12/11	Bosnia/Croatia		497.00						497.00
Hon. Dave Hobson	12/8	12/11	Bosnia/Croatia		497.00						497.00
Hon. Todd Tiahrt	12/8	12/11	Bosnia/Croatia		497.00						497.00
Hon. Doug Bereuter	12/8	12/11	Bosnia/Croatia		497.00						497.00
Hon. Mac Collins	12/8	12/11	Bosnia/Croatia		497.00						497.00
Hon. George Radanovich	12/8	12/11	Bosnia/Croatia		497.00						497.00
Hon. Jim Ramstad	12/8	12/11	Bosnia/Croatia		497.00						497.00
Hon. Amo Houghton	12/8	12/11	Bosnia/Croatia		497.00						497.00
Hon. Barbara Cubin	12/8	12/11	Bosnia/Croatia		497.00						497.00
Hon. Jay Dickey	12/8	12/11	Bosnia/Croatia		497.00						497.00
Hon. Jon Christensen	12/8	12/11	Bosnia/Croatia		497.00						497.00
Hon. Louise Slaughter	12/8	12/11	Bosnia/Croatia		497.00						497.00
Hon. Rosa DeLauro	12/8	12/11	Bosnia/Croatia		497.00						497.00
Hon. Jane Harman	12/8	12/11	Bosnia/Croatia		497.00						497.00
Hon. Pat Danner	12/8	12/11	Bosnia/Croatia		497.00						497.00
Hon. Alcee Hastings	12/8	12/11	Bosnia/Croatia		497.00						497.00
Hon. Mike McNulty	12/8	12/11	Bosnia/Croatia		497.00						497.00
Hon. Pete Peterson	12/8	12/11	Bosnia/Croatia		497.00						497.00

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, DELEGATION TO BOSNIA, CROATIA, ITALY, GERMANY AND BELGIUM, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN DEC. 8 AND DEC. 11, 1995—Continued

Name of Member or employee	Date		Country	Per diem ¹		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency ²	Foreign currency	U.S. dollar equivalent or U.S. currency ²	Foreign currency	U.S. dollar equivalent or U.S. currency ²	Foreign currency	U.S. dollar equivalent or U.S. currency ²
Hon. John LaFalce	12/8	12/11	Bosnia/Croatia		497.00						
Wilson Livingood	12/8	12/11	Bosnia/Croatia		497.00						
Scott Palmer	12/8	12/11	Bosnia/Croatia		497.00						
John Herzberg	12/8	12/11	Bosnia/Croatia		497.00						
Kristen Holladay	12/8	12/11	Bosnia/Croatia		497.00						
Miles Lackey	12/8	12/11	Bosnia/Croatia		497.00						
Chris Kojm	12/8	12/11	Bosnia/Croatia		497.00						
Commercial airfare								236,234.60			
Committee total					12,922.00			236,234.60			249,156.60

¹ Per diem constitutes lodging and meals.
² If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

J. DENNIS HASTERT,
 Jan. 9, 1996.

**EXECUTIVE COMMUNICATIONS
 ETC.**

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1985. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting a listing of gifts by the U.S. Government to foreign individuals during fiscal year 1995, pursuant to 22 U.S.C. 2694(2); to the Committee on International Relations.

1986. A letter from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting copies of international agreements, other than treaties, entered into by the United States, pursuant to 1 U.S.C. 112b(a); to the Committee on International Relations.

1987. A letter from the Auditor, District of Columbia, transmitting a copy of a report entitled, "Evaluation of the D.C. Lottery Board's Wagering Cancellation Methodology," pursuant to D.C. Code, section 47-117(d); to the Committee on Government Reform and Oversight.

**REPORTS OF COMMITTEES ON
 PUBLIC BILLS AND RESOLUTIONS**

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. BLILEY: Committee on Commerce. H.R. 2036. A bill to amend the Solid Waste Disposal Act to make certain adjustments in the land disposal program to provide needed flexibility, and for other purposes; with an amendment (Rept. 104-454). Referred to the Committee of the Whole House on the State of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolu-

tions were introduced and severally referred as follows:

By Mr. BEREUTER:

H.R. 2905. A bill to require a study regarding risk management fund accounts for farm owners and operators; to the Committee on Agriculture.

By Mr. COX (for himself, Mr. YOUNG of Alaska, Mr. CALVERT, and Mrs. VUCANOVICH):

H.R. 2906. A bill to amend the Helium Act to authorize the Secretary to enter into agreements with private parties for the recovery and disposal of helium on Federal lands, and for other purposes; to the Committee on Resources.

By Mr. BLILEY:

H. Res. 349. Resolution providing for the consideration of S. 534; which was considered under suspension of rules.

By Mrs. MINK of Hawaii (for herself, Mr. FALEOMAVAEGA, Mr. UNDERWOOD, and Mrs. SCHROEDER):

H. Res. 350. Resolution relating to a question of the privileges of the House; to the Committee on Rules.

**PRIVATE BILLS AND
 RESOLUTIONS**

Under clause 1 of rule XXII,

Mr. PICKETT introduced a bill (H.R. 2907) to authorize the Secretary of Transportation to issue a certificate of documentation with appropriate endorsement for employment in the coastwise trade for the vessel *Barefoot 'n'*; to the Committee on Transportation and Infrastructure.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

- H.R. 218: Mr. RIGGS and Mr. WISE.
- H.R. 580: Mr. FOLEY.
- H.R. 940: Mr. BROWN of Ohio.

- H.R. 1050: Mr. TORRES.
- H.R. 1100: Mr. GREENWOOD.
- H.R. 1573: Mr. STUMP.
- H.R. 1684: Mrs. MEEK of Florida, Mrs. VUCANOVICH, Mr. MCHUGH, Mr. ACKERMAN, Mrs. MEYERS of Kansas, Mr. MOAKLEY, Mrs. MORELLA, Mr. BENTSEN, Mr. BOEHLERT, and Mr. LAFALCE.
- H.R. 1758: Mr. DELLUMS, Mr. FRAZER, Mr. MINGE, Mr. THOMPSON, and Mr. FARR.
- H.R. 1818: Mr. SHADEGG.
- H.R. 2098: Mr. DREIER and Mr. SOLOMON.
- H.R. 2264: Mr. SANDERS.
- H.R. 2311: Mr. WATTS of Oklahoma.
- H.R. 2335: Mr. PAXON, Mr. WELDON of Florida, Mr. CANADY, Mr. ARCHER, Mr. COBURN, Mr. COLLINS of Georgia, and Mr. HUTCHINSON.
- H.R. 2463: Mr. DICKS.
- H.R. 2566: Mr. SCARBOROUGH.
- H.R. 2648: Mr. BALLENGER and Mr. TAYLOR of North Carolina.
- H.R. 2658: Mr. LUTHER and Mrs. THURMAN.
- H.R. 2723: Mr. STOCKMAN, Mr. ROHRBACHER, Mr. INGLIS of South Carolina, Mr. SAM JOHNSON, Mr. HERGER, Mr. RADANOVICH, and Mr. BISHOP.
- H.R. 2731: Mr. FOLEY.
- H.R. 2867: Mr. BEREUTER, Mr. METCALF, Mr. STEARNS, Mr. MCKEON, Mr. LAHOOD, Mr. FUNDERBURK, and Mr. BACHUS.
- H.R. 2896: Mr. COBURN, Mr. METCALF, Mr. BASS, Mr. FOLEY, Mrs. MYRICK, Mrs. CHENOWETH, Mr. SOLOMON, Mr. BARTLETT of Maryland, Mr. BAKER of California, Mr. EHLERS, and Mr. FORBES.
- H. Con. Res. 127: Mr. OBERSTAR, Mr. PAXON, Mr. OBEY, Mr. NEY, Mr. BUYER, Mr. TRAFICANT, Mrs. KELLY, Mr. MCHUGH, Mr. BARRETT of Wisconsin, Mr. LAFALCE, Ms. KAPTUR, Mr. VISLOSKEY, Mr. MURTHA, Mr. STUPAK, Mr. QUINN, Mr. FROST, Mr. FLANAGAN, Mr. LATOURETTE, Mr. HOUGHTON, and Mr. KILDEE.
- H. Con. Res. 134: Mr. FRANKS of Connecticut, Mr. CREMEANS, Mrs. MYRICK, Mr. FOLEY, and Mr. YOUNG of Alaska.
- H. Res. 30: Mr. MOAKLEY, Mr. BORSKI, Mr. KOLBE, Mr. UPTON, Ms. WOOLSEY, Mr. CAMP, and Mr. JACOBS.



United States
of America

Congressional Record

PROCEEDINGS AND DEBATES OF THE 104th CONGRESS, SECOND SESSION

Vol. 142

WASHINGTON, TUESDAY, JANUARY 30, 1996

No. 12

Senate

The Senate met at 11 a.m., and was called to order by the President pro tempore [Mr. THURMOND].

PRAYER

The Chaplain, Dr. Lloyd John Ogilvie, offered the following prayer:

Dear God, we say with the author of Hebrews, "This hope we have as an anchor of the soul."—Hebrews 6:19.

Thank You for the anchor of hope in You we have for the storms of life. We lower our anchor and it holds in the bedrock of Your faithfulness in spite of the billows of adversity and the blasts of conflict. We can ride out the storms of difficulties and discouragement because we know You will sustain us. We share the psalmist's confidence, "I wait for the Lord, my soul waits, and in His word I do hope. For in You, O Lord, I hope; You will hear, O Lord my God."—Psalms 130:5, 38:15.

Our hope is not in the reliability of people, the predictability of circumstances, or the security of human power. Our hope is in Your grace and truth. You will neither leave nor forsake us. Keep us anchored today so we may not drift from our commitment to serve You. We claim Your destiny for our Nation. Throughout this day may we feel the tug of the anchor and know that we are secure. In the name of our Lord. Amen.

RECOGNITION OF THE ACTING MAJORITY LEADER

The PRESIDENT pro tempore. The able acting majority leader, Senator LOTT, is recognized.

SCHEDULE

Mr. LOTT. Mr. President, today there will be a period for morning business until the hour of 1 p.m., with the time equally divided between the two parties. No rollcall votes are expected during the day today.

For the information of all Senators, the Senate is expected to reconvene on

Wednesday with the expectation that the session will be largely devoted to morning business, and rollcall votes would not be anticipated on Wednesday.

Senators should be aware that on Thursday the Senate will be attending a joint meeting of Congress starting at 11:45 a.m. to hear an address by French President Jacques Chirac. Following that joint meeting, the Senate is expected to debate and vote on cloture on or in relation to the Lugar-Dole farm bill.

Additional votes could occur during the day on Thursday, and even possibly on Friday. As we get additional agreements or information on that, we will advise the Members.

MEASURE READ THE SECOND TIME—S. 1541

Mr. LOTT. Mr. President, I understand there is a bill on the calendar that is due for its second reading, which is the farm bill.

The PRESIDENT pro tempore. The Senator is correct.

The clerk will read the bill for the second time.

The assistant legislative clerk read as follows:

A bill (S. 1541) to extend, reform, and improve agricultural commodity, trade, conservation, and other programs, and for other purposes.

Mr. LOTT. Mr. President, I object to further consideration of this matter at this time.

The PRESIDING OFFICER (Mr. INHOFE). Objection having been heard, the bill will be placed on the calendar.

Mr. LOTT. Mr. President, there will probably be some action that will be suggested or offered with regard to the farm bill in a few minutes.

At this time, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. MURKOWSKI. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

If the Senator from Alaska will withhold for a moment?

Mr. MURKOWSKI. Certainly.

RESERVATION OF LEADER TIME

The PRESIDING OFFICER. Under the previous order, the leadership time is reserved.

MORNING BUSINESS

The PRESIDING OFFICER. Under the previous order, there will now be a period for the transaction of morning business until the hour of 1 p.m., with the time equally divided between the two leaders.

The Senator from Alaska.

AMTRAK'S DECISION TO CHANGE TRAIN NAMES

Mr. MURKOWSKI. Mr. President, I am a bit of a railroad buff, and there have been some recent changes relative to the operation of Amtrak that I would like to bring to the attention of my colleagues this morning.

I think it is fair to say that it is important that we consider our traditions, and how our traditions have really brought us together as a nation and preserved the fabric of our culture.

It has been 30 years ago that we switched our telephones from exchange names to all-digit dialing. I think it is fair to say that while it increased the efficiency, it lost some of its personality. I recall we had Black 789, White 243, Green 910. We had an operator who

• This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.



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would occasionally talk to you if you had a problem. Yet, this change was necessary because of the expansion of telephone service and it produced economic efficiencies.

However, Mr. President, I note with sadness the decision of Amtrak to stop using the historical and traditional names for train service in the Northeast corridor. Last week, the Wall Street Journal reported that Amtrak had decided that, for the Yankee Clipper, along with the train called the Mohawk, the train called the Mayflower, the train called the Connecticut Yankee, the overnight train to Boston, the Night Owl, and nearly all the other traditional names will no longer be used. In their place, nearly all of Amtrak's Northeast corridor trains will be referred to as the Northeast Direct, followed by a number such as 142, 147, 148. I really cannot understand this decision because I cannot see where it necessarily affects the efficiency or service to the public.

A spokeswoman for Amtrak was quoted as saying these names are a colorful part of the past but really not helpful today. According to the spokeswoman, "If you hear 'the Catskill,' it doesn't really tell you where you're going," and that may be true, but certainly the Northeast Direct 147 tells travelers even less. At least the Connecticut Yankee suggests the train is headed to New England; the Northeast Direct 147 really tells you nothing. You do not know where it is headed.

Mr. President, yesterday I wrote to the president of Amtrak, Mr. Tom Downs, and urged Amtrak to reconsider this decision. Again, I appeal to Amtrak in the sense that these are names that are part of the American heritage. I think it is a heritage and tradition that is partially a public trust, if you will. Unilaterally deciding to change these names, I guess, would be equivalent, perhaps, to having the Interior Department redesignate Yellowstone and Yosemite National Parks as Western Park 1, Western Park 2, and perhaps Acadia National Park as Eastern Park 4.

Since 1971, Amtrak has received about \$13 billion in Federal funding to help cover its operating and labor costs. Legislation which is currently on the Senate calendar, S. 1395, would establish an intercity passenger rail trust fund. The lion's share of whose funds would go to Amtrak. The proposal calls for Amtrak to receive more than \$2 billion over the next 4 years.

In my opinion, Amtrak has made a mistake in changing the names of the historic trains of the Northeast corridor by replacing them with numbers. I urge Amtrak to reverse this decision.

Mr. President, I ask unanimous consent that a copy of the letter which I sent to Amtrak's president be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

U.S. SENATE,

Washington, DC, January 29, 1996.

Mr. THOMAS DOWNS,
President, Amtrak, 60 Massachusetts Avenue
NE, Washington, DC.

DEAR MR. DOWNS. The Thursday, January 25 edition of the Wall Street Journal reports that Amtrak has decided to stop using the traditional names for train service in the Northeast corridor. In conversations with Amtrak officials, my staff has confirmed that Amtrak has decided that the "Yankee Clipper," "The Mohawk," "Mayflower," "Connecticut Yankee," the overnight to Boston, "The Night Owl," and nearly all the others, will no longer be used.

It appears that nearly all of Amtrak's Northeast corridor trains will be referred to as "Northeast Direct" followed by a number such as 142 or 147. Quite frankly, I cannot understand this decision.

A spokeswoman for Amtrak was quoted as saying that these names were colorful, but not helpful. According to this spokeswoman, "if you hear 'the Catskill,' it doesn't really tell you where you're going." That may be true. But certainly, Northeast Direct 147 tells travelers even less. At least, the Connecticut Yankee suggests the train is headed to New England. Northeast Direct 147 tells you nothing.

Mr. Downs, I urge you immediately reconsider this decision. These names are part of tradition. And it is a tradition that is partially a public trust. It is nearly equivalent to having the Interior Department redesignate Yellowstone and Yosemite National Parks as Western Parks 1 and 2.

As you know, since 1971, Amtrak has received \$13 billion in federal funding to help cover its operating capital and labor costs. Legislation that is currently on the Senate calendar (S. 1395) would establish an Intercity Passenger Rail Trust Fund, the lion's share of whose funds would go to Amtrak. The proposal calls for Amtrak to receive more than \$2 billion over the next four years.

I believe Amtrak has made a mistake and I believe you ought to fix it immediately.

Thank you for your immediate attention to this matter.

Sincerely,

FRANK MURKOWSKI,
U.S. Senator.

INCREASE IN THE DEBT CEILING

Mr. MURKOWSKI. Mr. President, I would like to talk briefly about another matter that this body is going to be asked to address in the very near future, and that is to increase the debt ceiling.

As the President and my colleagues know, the authorization to issue debt is limited with a cap. And that cap is \$4.9 trillion. It is a debt so inconceivable that no one can comprehend how large \$4.9 trillion is.

Currently, Mr. President, we are looking in the fiscal year just ended at a deficit of about \$165 billion. That is a significant figure. But we cannot stop there because there is a further application of interest, and the interest cost on the \$4.9 trillion is about \$235 billion. And it should be noted that currently interest rates are relatively low. The effective rate of interest is probably somewhere in the area of 5.5 to 6.5 percent on this \$4.9 trillion.

Back in December 1980, the prime rate in the United States was 20.5 percent. One can only visualize what the

interest cost would be. And this interest has to be paid because the individuals who hold Treasury notes, instruments of debt issued by the Government, have to be paid not only principal but interest. But to suggest that we are currently paying an effective rate of somewhere between 5 or 6 or 6.5, or thereabout—the fact is that interest rates could rise as they have in the past, which would have a disastrous effect on the economic vitality of this Nation.

So, if we look at the accumulated debt that we are carrying, the \$4.9 trillion, recognizing that each year we spend more than we generate in revenues, and add to that, we are faced with the reality that within a relatively short period of time we are going to have to increase that the debt ceiling. We are going to have to increase that authorization somewhere, we are told, of up to \$5.3, or \$5.4, or \$5.5, or \$5.6 trillion for a term of perhaps 18 months, and then we are going to have to do it again.

So my point is we are continuing to increase the indebtedness of this Nation. I am told that for a person being born today, his or her share of the debt is somewhere in the area of \$150,000, to \$175,000. That is going to increase unless we do something drastic and turn it around.

We have been talking for a long time about a balanced budget. Everybody, including the White House, supports a balanced budget, a mandatory balanced budget, a process that will get us there. And we have talked about a 7-year ascension. We have had, I think, five proposals from the administration. The first one did not get one vote in the U.S. Senate. The last one really makes the lion's share of the cuts in the sixth and seventh years. That is pretty hard to accept because we know that Congress is not going to have the self-discipline in 6 or 7 years to make those draconian cuts. We know that President Clinton, even if he were to be reelected is not going to be in office in 2001 and 2002 when reality will hit.

So we are going into this period of debate on increasing the debt from \$4.9 trillion at a time when we are adding \$165 billion in deficits each year, and we do not have a way out. When I say "a way out," we do not have a commitment to a real balanced budget in 7 years because the last proposal by the White House was not real. The press and the public do not seem to accept that it was not real in terms of all the cuts in the sixth or seventh year as opposed to proportional reductions in each of the 7 years.

It is like taking medicine, Mr. President. You have to take it anyway. If you take it up front and get it over with through the process, why, hopefully, you can reach a cure. If you have to take it when you get too sick, sometimes it might not cure you.

Furthermore, I think it is fair to say that during the extended debate to try to reach a balanced budget, the Republicans were blamed for shutting down

the Government. For reasons that I find a little hard to understand, there was not a recognition that this was a shared responsibility. It was as much the responsibility of the White House as it was Members of Congress because the President vetoed the reconciliation package which would have basically kept the Government going. He vetoed about six of the appropriations bills and signed the others. Those would have funded the Government.

So the responsibility is very much that of the executive branch—the President and the White House—as we reflect on the last attempt at a fiscally responsible effort to try to address what the public wants, what we know is good for the country, and that is the realistic balanced budget process. Unfortunately, that process, in the opinion of the Senator from Alaska, has failed as a consequence of the inability of the administration to recognize that we simply have to reduce the rate of growth of Government. That does not mean we have to cut programs. We simply reduce the rate of growth.

That was so evident in the debate over Medicare. We are not cutting Medicare payments. Medicare payments would increase each year. But the rate of growth would be reduced from nearly 10 percent to somewhere in the area of 6 percent.

So, Mr. President, again as we reflect on where we are, and the coming crisis with the debt ceiling, it is a responsibility of the administration and the President to recognize that it is not in the interest of the country to proceed with a debt ceiling increase without a realistic way to address a process that will achieve a balanced budget in 7 years.

So I urge my colleagues to reflect on just where we are going and the significance that. If we all believe in a balanced budget and we still do not have the self-discipline in the process to recognize that somehow we are going to have to achieve a balanced budget in a meaningful way and we have at the same time the obligation to increase the debt authorization of this country—there is a direct connection between the two. If we believe in a balanced budget, we should know that to increase the debt authorization without a realistic way of balancing the budget is basically irresponsible in the long-term for the fiscal and monetary policy of this country.

Our debt has to be brought under control and the spiral of its increase has to be reversed. And we run the risk of increased interest rates on that debt. So, Mr. President, we should make the necessary corrections now by having as part of the debt ceiling increase a realistic accord on a balanced budget process that is meaningful and achievable.

Mr. President, I ask unanimous consent that all quorum calls during the designated period for morning business be equally divided.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MURKOWSKI. Mr. President, I yield the floor.

The PRESIDING OFFICER. Does the Senator from Alaska suggest the absence of a quorum?

Mr. MURKOWSKI. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mrs. FEINSTEIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. FEINSTEIN. Mr. President, I ask that I be recognized to speak as if in morning business.

The PRESIDING OFFICER. The Senator is advised that we are currently in morning business until 1 o'clock with the time divided between the two leaders.

Mrs. FEINSTEIN. I thank the Chair. (The remarks of Mrs. FEINSTEIN and Mr. D'AMATO pertaining to the introduction of S. 1547 and S. 1548 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mrs. FEINSTEIN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. THOMAS). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DORGAN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

UNANIMOUS-CONSENT REQUEST

Mr. DORGAN. Mr. President, I rise today on behalf of the minority leader and our Democratic caucus to ask unanimous consent that the Senate proceed to the immediate consideration of the bill to increase the debt limit. I will explain in just a moment my intention and the reason I offer this unanimous-consent request.

All of us understand what we have just been through in this past year. We have been through a pretty difficult time. We have struggled as between different philosophies on a range of issues, and we have seen Government shutdowns on two occasions. We have seen and heard people boast about potentially not extending the debt limit and causing a default on the debt. So we have been through a very difficult period.

I think most Members on both sides of the aisle would like very much never to see that repeated. I do not know of anyone who has a continued appetite to see another Government shutdown. I frankly do not know of anyone who, at this point, thinks it would be a good idea if this country were to default on its debt. And yet, we are now at about February 1 and at the end of this month, the Secretary of the Treasury indicates that he will not have the re-

sources with which to meet the requirements to repay the bonds that exist, and there would be a default unless the debt limit is extended.

Some say, "Well, let us wait until the end of February, until we have done certain things to find a way to reach an agreement between this party and the other party." I understand that, and I understand the reason why some would like to postpone this for a while.

On the other hand, there are others of us who are anxious that we move as quickly as we can to get something into a conference so we have some movement on extending the debt limit, so we can tell the people of this country that we are working on it and making progress on it. To wait for the final 3, 4 days or the final week prior to the need for a debt limit extension, prior to default, does, it seems to me, given the circumstances of the last year, create a condition that could provide some risk. That is why some of us feel that this would be the time to move a piece of legislation that would increase the debt limit and move that into a conference.

So with that purpose in mind, I ask unanimous consent that the Senate proceed to the immediate consideration of a bill, now at the desk, to increase the debt limit, that the bill be read a third time and passed and the motion to reconsider be laid upon the table.

The PRESIDING OFFICER (Mr. COATS). Is there objection?

Mr. LOTT. Reserving the right to object.

The PRESIDING OFFICER. The assistant majority leader and Senator from Mississippi is recognized.

Mr. LOTT. Mr. President, I certainly understand why the distinguished Senator from North Dakota would make this effort at this time. I point out, I still believe, I still hope that there is an opportunity for a budget agreement. I am an incurable optimist. The President has indicated he is willing to continue that effort. I know there are informal discussions going on at the staff level.

The problem with debt limits, as the Senator well knows from his days in the House in particular, even in the Senate, is that there are some Senators and some Congressmen who would prefer not to vote for a debt limit going over \$5 trillion for the first time in history until there is some guarantee that there is going to be fiscal restraint, that there is some budget agreement that will control the rate of growth of spending, control the annual deficits and the debt.

If there is any hope that we might get an agreement, then certainly a good place to consider putting that would be on the debt limit. Plus, there also continues to be an effort across the aisle in a bipartisan way, in the House and Senate, to come to a bipartisan coalition agreement. It looks to me like good progress has been made in that area.

I have looked at the numbers from the coalition group and the numbers in the House and both of them are actually better than the results of the discussions between the President and the leaders in Congress from both sides of the aisle.

That may be the way to do this: Get a budget No. 3 that we can vote on that would have broader bipartisan support than we had earlier. Once again, maybe put it on the debt limit and move it forward. Or in addition to that, I do know the House is meeting this week and they are looking at other alternatives as to how that might be considered.

So, in an effort to get it through the House and get it through the Congress and get it to the President, we want to make sure we thought it through carefully, have done it right. We do not want to go through a futile exercise of getting something to the President he will veto.

I assume there is a time sensitivity, although the Secretary of the Treasury indicated there were going to be real problems last November, and while he was working to avoid those problems, now we do not really know where the problem does develop. Is it the middle of February, the first of March, middle of March, or can we go on indefinitely by actions of the Secretary of the Treasury?

I do not think he can go on indefinitely, but I do know that the intention of the majority leader is that we act on this in a timely fashion, and the House and the Speaker are acting on some legislation that will allow us to act probably the week of February 26, maybe before that. If we can come to some sort of agreement, maybe we can do it before that.

But I think just to move it here at this point would be a futile exercise and maybe even would be unhelpful in trying to get an agreement.

So at this point, Mr. President, I object to the request.

The PRESIDING OFFICER. Objection is heard.

Mr. DORGAN addressed the Chair.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. DORGAN. Mr. President, the Senator from Mississippi is absolutely correct that a logical place to increase the debt limit would be in a budget agreement, and if there is a budget agreement—and I hope there is—then obviously the debt limit should be increased in that agreement.

The dilemma is, the Moody's organization last week served notice publicly, because of the potential of a default, because of the potential that perhaps the debt limit will not be extended, because of the potential that there might be some who want to use the debt limit as leverage, and the ultimate leverage, of course, being default if there is not a budget agreement, because of that, Moody's has indicated they are taking a look at whether to downgrade the creditworthiness of U.S. Government bonds.

It seems to me that ought to be a warning to all of us that we ought not fool around with this question of the grading of Government bonds and the creditworthiness of Government bonds.

This is a very important issue. The Senator from New York, Senator MOYNIHAN, has spoken at some length on it. I say to the Senator from Mississippi, I know that Senator DOLE is not in any way suggesting that he would want to default. In fact, I do not think Senator DOLE felt that the Government shut-downs were the way to run the Government. So I am not suggesting that there are those whom we are discussing at this point who believe this would be a wise course. I think there are some in the Congress who probably have said in the past, "It does not matter to us if we do not pay the bondholders 30 or 60 days afterward," the implication of that suggesting that default certainly is an option as one of the pieces of learning we will use in the negotiations.

So many of us feel that rather than waiting until it is too late, let us start early here and be offering some UC requests to see if we cannot move this along. I know the minority leader has indicated that when the Senate is in session during this month, he feels that we should be offering requests. I am offering this on his behalf today to extend the debt limit. And, again, I understand the reasons for the objection today. My hope would be that in the days ahead we will find a way to advance this through the Senate and go to conference so we can send a message to the country and the world that no one around here will play with the creditworthiness of this country. No one will use the issue of default as leverage in this context. I think most of us believe that would be terribly, terribly risky, and a very unsatisfactory outcome.

So I understand the point the Senator from Mississippi has made. I hope he understands why I have offered this today. He would expect to see it offered again in the days ahead when the Senate is in session.

I would like to, if I might, Mr. President, propound a question to the Senator from Mississippi. Although we are in session today—

Mr. LOTT. If the Senator will yield first, because I think he is fixing to change the subject, I want to get this into the RECORD.

I think there is some question, also, just for the information of the Senators, about the Senate acting first on a clean debt ceiling, whether this is a revenue effort under those conditions and therefore subject to a point of order. I make that observation. I am not pursuing it at this point.

For the information of the Senate, I ask unanimous consent to have printed in the RECORD at this point the history, going back to 1984 through 1990, of how debt ceilings were extended and the riders that were added to those debt ceiling bills in order for them to be

able to complete and go through the process.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

LEGISLATIVE RIDERS ON PAST DEBT LIMIT
EXTENSIONS
1990—H.R. 5355

Passed by the House, but not by the Senate. Would have increased the debt ceiling by \$322 billion to \$3.444 trillion. Rider: Amended the rules on sequestration to exempt Social Security.

1989—H.R. 3024

Increased the debt ceiling by \$70 billion for the period from August 7, 1989, through October 31, 1989. Rider: Made changes regarding the current accrual value of certain obligations issued on a discount basis.

1989—H.J. RES. 280

Increased the debt ceiling to \$3.1227 trillion. Rider: Repealed Section 89 of the Internal Revenue Code (relating to health benefits provided under certain discriminatory employee benefit plans).

1987—H.J. RES. 324

Increased the debt ceiling to \$2.8 trillion. Rider: Gramm-Rudman II, which contained provisions relating to sequestration, overall budget caps, and budget process reform.

1986—H.J. RES. 668

Increased the debt ceiling by \$189 billion for the period from October 21, 1986, through May 15, 1987. Rider: This debt limit was attached to the Omnibus Budget Reconciliation Act of 1986.

1985—H.J. RES. 372

Increased the debt limit to \$2.0787 trillion. Rider: Gramm-Rudman Deficit Control Act, which contained provisions relating to sequestration and set overall budget caps.

1985—H.R. 3721

Increased the debt ceiling to an amount no greater than \$1.9038 trillion for the period from November 14, 1985, to December 6, 1985. Rider: Contained riders that delayed the effective dates of the following provisions by one month: Tax increase on cigarettes; section 285 of the Trade Act of 1974; section 10(d) of the Railroad Unemployment Insurance Act and, section 5(c) of the Emergency Extension Act of 1985.

1984—H.R. 5692

Increased the debt ceiling by \$30 billion to \$1.520 trillion. Riders: Allowed the Treasury to hire experts or consultants as contract employees. Reimburse the State Department for health and medical services provided to overseas employees; maintain uniforms provided to Treasury employees; provide athletic services for students at the Federal Law Enforcement Training Center in Glynco, Georgia; install fencing, guard booths, lighting, and other maintenance for Treasury Department facilities and enter into reciprocal assistance with state and local law enforcement agencies.

Mr. LOTT. Now I will respond to another question.

Mr. DORGAN. I think it might be worthwhile to put in the RECORD the reports of last week by the Moody's organization about the evaluation of the potential downgrading of Federal bonds. That might describe in some more detail the issue of the risks that some of us are concerned about. I ask unanimous consent that the report I cited be printed in the RECORD.

There being no objection, the report was ordered to be printed in the RECORD, as follows:

U.S. DEBT RATING THREATENED

Alarmed by the protracted budget brawl in Washington, a venerable Wall Street credit rater is threatening to downgrade America's prized triple-A rating if the deadlock forces the government to default on its debts for the first time.

The unprecedented warning Wednesday from Moody's Investors Service, which has been judging borrower credit worthiness for nearly a century, would mark a stunning blow to the U.S. government's credit standing and sully the pristine status of \$397 billion in Treasury debt with interest due in coming months.

The warning marked the bluntest negative reaction from the financial world so far to the possibility that Uncle Sam might renege on a pledge to repay borrowed money, which has never happened and has helped make U.S. government IOUs the safest and most coveted securities in the world.

"This is a wake-up call," said Mike Casey, an international economist at Ramirez Capital Consultants Inc., a New York investment research firm.

Moody's said it was obliged to make the warning because "the positions being taken in the current debate over the budget and the debt ceiling have significantly increased the risk of a default on the above-mentioned security obligations."

It said the possible downgrade doesn't reflect "any underlying deterioration in the fiscal position of the United States Government, but rather from the peculiar circumstances surrounding the present political controversy over the direction of federal economic and social policy."

Some congressional Republicans have threatened to allow the government to default if the Clinton administration doesn't capitulate on spending cuts in the battle to balance the federal budget. The administration has said Congress must raise the \$4.9 trillion debt limit by March 1 or a default could result.

Although most economists say the possibility of default remains extremely remote, many still regarded the Moody's warning as a sobering reminder that it's not possible.

"In a sense it's like nuclear warfare," said Robert Brusca, chief economist at Nikko Securities International in New York. "If it happens it's a terrible problem. But nobody thinks it's going to happen."

The Moody's warning coincided with conciliatory moves in the budget battle, and House Speaker Newt Gingrich said he wanted to avoid a default. But it was unclear whether Gingrich also was speaking for more militant Republicans, many of them freshmen in the House, who have used the threat of default as a bargaining tactic.

After a meeting with Gingrich Wednesday evening, one freshman congressman, Rep. David McIntosh, R-Ind. said his class was "pretty much on board" with the speaker.

Moody's said it was placing Treasury bonds and notes with interest payments due Feb. 29 and April 1 "on review for possible downgrade."

The rating agency didn't make clear what these securities would be downgraded to. But the loss of triple-A status could make it more expensive for the Treasury to borrow, adding billions of dollars in extra interest to the government's overall debt and reverberating throughout the economy with pressure for higher interest rates.

Bond prices were sharply lower by midday today, continuing a slide that began late Wednesday afternoon as word of the Moody's announcement spread. But traders said prices were falling for other reasons as well.

Standard & Poor's Corp., another leading debt-rating service, made similar warnings

on Nov. 10, when the issue of a possible default first arose in the budget negotiations. Still, the wording of the Moody's announcement was far more blunt and specific, referring to particular groups of medium- and long-term Treasury bonds that would be affected.

S&P said a spokesman that it is examining the spillover effects of a potential default of U.S. Treasury securities and expects to make an announcement about that in the next several days.

Treasury Secretary Robert Rubin responded to the Moody's announcement with a brief statement expressing his belief that the debt impasse will be resolved by the end of February.

Some Wall Street economists theorized that Moody's made the warning partly because of sensitivity to the credit-rating industry's past failures to forewarn of brewing financial debacles.

Just in the past few years, for example, both Moody's and Standard & Poor's have been rebuked for failing to sound the alarm on impending crises in Mexico and Orange County, Calif., which cost investors huge losses.

"Moody's and S&P have caught a lot of grief in the past," said Casey. "They have lot of history of locking the barn door after the cows have gone."

Mr. DORGAN. Let me ask the Senator from Mississippi a question about something that will come up later this week that I know is important to many of us, including the Senator from Mississippi. We are in session today on Tuesday and we do not have recorded votes and will not have recorded votes Wednesday. We will have recorded votes on Thursday. My understanding, from the discussion I had with the majority leader last Friday, was that on Thursday of this week we would be turning to the issue of the farm bill. I am very concerned about trying to get us to move a piece of farm legislation.

I know there are people with very different views about what kind of farm bill would best serve the interests of family farmers in this country in the future. Some say, the so-called Freedom to Farm Act must be passed, or else. Others say that there is the Farm Security Act's marketing loans, and other things. In your part of the country, in Mississippi, we are in the circumstance where farmers are ready to go into the fields at some point soon. I confess that, as of an hour ago when I last talked to somebody in North Dakota, there is not anybody close to starting up a tractor and going into a field today because it is awfully cold there today. But down south people are close to starting to want to do spring's work. In our part of the country, farmers want to talk to bankers and to their agribusinesses about the farm plan. They want to know under what conditions will they plant this spring, and what will the farm program be? We were supposed to have passed a 5-year plan last year. There was one put in the reconciliation bill, which everybody knew would be vetoed. We have nothing at this point.

My hope is that we can work together, Democrats and Republicans, and if we need to demonstrate a burst

of bipartisanship here, there is no place better to do that than on a farm bill. Your farmers have the same needs as mine. I have strong feelings about what we ought to do, and I know others do as well. Especially, we owe them an answer. I hope very much that, come Thursday—I think we will have a couple of cloture votes on a couple of different plans, and perhaps we will not invoke cloture on either. If that is the case, I hope we can find a way Thursday to advance some kind of basic farm plan in order to put it into conference so we can work hard in the next week or so and finally move a farm plan out of the Congress. Farmers deserve that. We owe that to them.

I ask the Senator from Mississippi his view on the urgency of this, and whether he thinks that we are going to be able to move forward Thursday with some dispatch to deal with this issue.

Mr. LOTT. Mr. President, in responding to the Senator from North Dakota, he brought back memories of bipartisan efforts in the past on the farm bill. I think it was maybe 1982. I remember that at the time I was in the House and I was the minority whip. At that time, the majority whip was a fellow named Tom Foley. We were working on the farm bill. It was very delicate and tedious. Everybody wanted a farm bill, but some of the people did not necessarily want to go on record voting for that particular version. I remember even exchanging vote counts with the majority whip. We managed to get a pretty good farm bill through, but one that was pretty evenly divided between the two parties. So that is always the way it should be done. I think usually that is the way agriculture policy is developed, in a bipartisan way.

I do agree that there is an urgency, too. During the years I have been a Member of Congress, I never had to go back home in February—that is when we start going into the field in my State—to tell farmers that we do not have a farm bill. They do not know what to expect. There has never been an instance where I recall where we let existing law expire, which opens the door to utilizing outdated, expensive, and ineffective 1938 and 1949 so-called permanent laws. That is what is about to happen. If we do not do something on this, we are going to revert back to the so-called permanent law. That causes all kinds of confusion not only for the farmers, but the lenders and the suppliers, which are an important part of the economy in my State and, I know, in your State. Even the Secretary stated that reversion to the permanent law has all kinds of problems. Authorization for wheat, feedgrains, and rice programs under current law have already expired. So there is an urgency.

I know the Senator from North Dakota knows that an effort is underway now where Senators and their staffs are working on what is the best approach. We did have the farm bill that was in the reconciliation package, as

the Senator said. It was vetoed by the President. Some of us would like to look at that as a base and maybe make some changes. I know the Senator has a different approach. We are working on what is the best procedure to get an agreement, and we are going to try to have some understanding worked out later on today—hopefully very shortly—as to exactly what votes will occur Thursday on or in relation to agriculture legislation. We are going to be very careful to be fair in how we proceed and give those who have different views a chance to make their case, and have one or more cloture votes, but try to make an effort to get this issue moving in such a way that maybe we can get into conference and work out an agreement that we can get to the President in the shortest possible period of time. So we are working right now on a unanimous-consent agreement that would get us into consideration on Thursday that would allow for a vote or votes to occur and try to find a way to move it forward.

Mr. DORGAN. Mr. President, I thank the Senator from Mississippi.

One of the dilemmas here is that the farm bill, which was placed in the reconciliation bill and passed last year and vetoed, would have eliminated the permanent law, the 1949 act. Many of us had great concern about that. There are new and innovative ways to deal with the issue of payments, and other approaches in the short term. But in the long term we feel strongly that the needs of a network of family farms will only be met if we retain some kind of permanent authority for farm legislation. But I guess the point I was making—and I am comforted some by the Senator's comments—I think at the end of Thursday we need to have found a way to reach agreement on something that we can move into conference that builds a bridge between the various proposals that now exist. I think we have not seen much bipartisanship in the last year or so. In fact, it has been some while beyond that, I guess. If ever we need a burst of strong bipartisanship, it is to find a way to move this farm legislation forward.

I look forward to working with the Senator. There is an effort underway; we have a lot of staff people on a bipartisan basis searching for some common ground. Perhaps that will result in the ability to move something on Thursday. Time is very short. It is very urgent that we provide farmers an answer about what will be the conditions under which they plant this spring, what kind of a farm program will exist in this country.

Mr. LOTT. Mr. President, for the information of all Senators, we also still hope there is the possibility that we would have a vote or votes this week on the telecommunications issue. That has not been clarified yet.

Speaking of bipartisan efforts, that is one where last year a lot of work went into that legislation. It is a very important piece of legislation. I believe it

passed by a vote of something like 81 to 18. It is on the verge of being ready to come out of conference. We hope we can get an agreement worked out on that also sometime today. If we can, we would hope maybe we could have a vote on that also on Thursday.

We could have at least two or three votes on Thursday, both of them on very, very important issues: agriculture and telecommunications. That is almost a year's work. Time is short on both of them. We are going to work very hard to try to get an agreement worked out.

I yield the floor. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. AKAKA. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. FRIST). Without objection, it is so ordered.

TRIBUTE TO THE LATE LT. COL. RICHARD SAKAKIDA

Mr. AKAKA. Mr. President, I want to take the floor of the U.S. Senate to tell my colleagues and the people of Hawaii and the country about a Hawaii-born unsung hero of World War II. His extraordinary story has never been fully told.

In a description of Colonel Sakakida's wartime activities, it is written that today Richard Sakakida is alive and well and living in California.

I was deeply saddened by the death last week of Lt. Col. Richard Sakakida near his home in Fremont, CA, after a lengthy illness. Colonel Sakakida, one of America's genuine war heroes, faced death with the same stoicism and dignity as he displayed in facing the dangers of war and the constant pain of his war injuries.

Colonel Sakakida will be mourned by the many who knew him personally or by reputation, including the thousands of Japanese-Americans who followed his footsteps to serve in their country during the Second World War.

He is survived by his beloved wife of many years, Cherry, to whom I offer my deepest condolences.

Colonel Sakakida was a true hero, one whose contributions, tragically, have never fully been recognized by his own Government. His was one of the most amazing stories to come out of World War II.

As a United States Army undercover agent and prisoner of war of the Japanese in the Philippines 50 years ago, he endured isolation, privation, disease, shrapnel wounds, the constant threat of discovery, and unspeakable physical torture in carrying out daring intelligence missions for his country. His sacrifices not only resulted in the advancement of the Allied cause during the Second World War, they reflected a

great sense of duty and personal courage rarely seen even in that great conflict.

As one of the very first Nisei recruited to the United States military service, Colonel Sakakida also helped to pave the way for the thousands of other Japanese-Americans who would make their own contributions to the war effort as members of the famed 100th/442d Regimental Combat Team and the lesser known Military Intelligence Service. Later, though he modestly would have denied this, Colonel Sakakida's achievements opened doors of opportunity in the military and society at large for subsequent generations of Japanese-Americans and other minorities.

In death, as they never were in life, Colonel Sakakida's accomplishments deserve to be remembered and honored. To this end, I hope that Members of Congress will actively support efforts to ensure that his military valor is one day recognized by his Government.

For the benefit of those who do not know this remarkable soldier's story, I ask unanimous consent that a description of Colonel Sakakida's wartime activities as excerpted from "America's Secret Army: The Untold Story of the Counter Intelligence Corps" be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

AMERICA'S SECRET ARMY: THE UNTOLD STORY OF THE COUNTER INTELLIGENCE CORPS (By Ian Sayer and Douglas Botting)

SAKAKIDA

Of all the unsung heroes of World War Two, Richard Sakakida must rank as one of the most remarkable. For courage, fortitude and loyalty to his adopted homeland there were few to rival him. Yet outside a small circle of veteran CIC agents Sakakida's name is almost unknown, and his extraordinary story has never been fully told.

Richard Sakakida was a native of Hawaii, the son of Japanese parents who had emigrated there from Hiroshima at the beginning of the century. Most Americans would have described him as a Japanese-American, but the Japanese had a special word for such expatriates—Nisei, meaning the firstborn away from the homeland. Educated at a American high school in Honolulu and brought up as an American citizen in a Japanese family, Sakakida was a man of two cultures and two languages. The outbreak of war between America and Japan might easily have led to a hopeless confusion of loyalties in a person of his dual background, but it did not. Like the great majority of Nisei, many of whom were later to distinguish themselves in action against the Germans in Europe, Sakakida firmly considered himself to be an American first and last. In March 1941, nine months before the Japanese attack on Pearl Harbor, this resolute, soft-voiced, earnest-mannered young man was invited to put his unusual linguistic and cultural qualifications to practical use by joining the specialist branch of the U.S. Army best able to take advantage of them—the CIC. Along with another young Nisei, Arthur Komori, he was sworn in as a CIC agent in Hawaii with the rank of sergeant. These were the first Japanese-Americans ever to be recruited into the CIC, and they were to be among the handful of their detachment to survive the war against Japan.

After an intensive training course in the use of codes and ciphers and the recognition of prime targets, Sakakida and Komori were told to prepare to embark on a secret mission, the nature of which would be revealed to them later. They were told that their destination was Manila, the capital city of the Philippines, an American possession on the point of independence, where the United States still maintained a substantial military presence. They were warned that their assignment would certainly be a source of inconvenience and probably of danger. They were to say nothing except to their immediate family—in Sakakida's case his widowed mother.

Less than a month later the two agents set sail for Manila on board a U.S. Army transport, traveling as deck hands in order to conceal their identity as members of the armed forces. In Manila, a city of tropical languor and almost colonial ease, they were met by the Commanding Officer of the CIC Detachment in the Philippines and briefed for the first time about the nature of their mission. The magnitude of their task took their breath away. It involved nothing less than the counter intelligence investigation of the entire Japanese community in Manila, into which they were required to infiltrate themselves as undercover miles in order to target those individuals who had connections with the Japanese military and posed a threat to the security of the United States Army. As a cover story they were to claim that they were crew members of a freighter and had jumped ship after tiring of life at sea—a story Komori enhanced by adding that he was also a draft dodger, a state of affairs which he reported later "was favourably received by the pro-Emperor sons of Japan."

Sakakida was instructed to register at a small hotel called the Nishikawa, while Komori checked in at the Toyo Hotel. From these two bases the tyro agents were to start looking around for rôles in keeping with their assumed identities. Their case officers, Major Raymond and Agent Grenfell D. Drisko, were the only members of the CIC Detachment who knew that they were Nisei agents. In order to stay in contact they were given keys to a mailbox at the Central Post Office in Manila under the name of Sixto Borja and told to check the box twice daily for instructions about rendezvous places. Major Raymond or Agent Drisko would then pick them up at a prearranged spot and drive them by a roundabout route to the Military Intelligence section in Forth Santiago, where they could submit their report in safety and receive new briefings. For Major Raymond, a long-time Agent, Sakakida and Komori developed tremendous admiration and affection. "He gradually instilled in us the techniques of subtle investigations and subterfuges in the best traditions of the CIC," Komori recalled later. To him they owed everything they knew about working as undercover agents amongst the impending hostile Japanese.

And so, in the months preceding the outbreak of war, the two young and apprehensive Nisei began the delicate task of burrowing into the warren of the main Japanese community in the Philippines, numbering more than 2,000 in all. Sakakida posed as a sales representative of Sears, Roebuck, whose sales brochures he had learnt by heart, and spent most of his evenings in the Japanese Club, where he assiduously ingratiated himself with the Japanese businessmen who frequented this hotbed of Nippon orthodoxy. Meanwhile Komori obtained a post as a teacher of English at the Japanese Cultural Hall in Manila and made use of this respectable position to win the confidence and even the friendship of some of the leading Japanese residents of the city—the Japa-

nese Consul General, the Chief of the Japanese News Agency, the Chief of the Japanese Tourist Bureau, the Chief of the Japanese Cultural Hall and many others. With few exceptions he found the Japanese "arrogant and expansionist-minded," openly sympathetic to the militaristic ambitions of the Japanese Army generals and increasingly dismissive of the more peaceable and compromising civil government in Tokyo. War fever had developed to such an extent, Komori reported, that one of his students in his English class, a journalist who wrote for a newspaper in Osaka, even reported the likely route of advance of the Japanese forces once they had launched their attack against the British in Singapore.

Komori had to go along with all this, of course, in order to keep up his cover. He even had to seem to join in the jinjoistic euphoria when Japanese planes bombed the American fleet at Pearl Harbor on 7 December and drink toasts to the Emperor when America declared war on Japan the following day. The outbreak of war now put him in grave danger, for it meant that henceforth he would be spying on an enemy people, and would have to face the consequences if he put a foot wrong. The war was only a few hours old when the complexities of Komori's new situation were brutally brought home to him. He was in the Japanese News Agency in Manila, downing yet another sake in yet another toast to the Emperor, when the door burst open and he found himself ringed by a group of Filipino Constabulary with bayonets fixed. To the Filipinos he was just another Japanese. Along with officials of the News Agency, Komori was herded down the stairs and into a waiting bus. He was then driven to the stinking old Bilibid Prison—"the hell hole" as he recalled, "of Manila"—and here he languished, an American agent amidst a gaggle of enemy subjects, completely confident that Major Raymond would eventually learn his whereabouts and rescue him.

Meanwhile, in the wake of the rising tide of anti-Japanese feeling in the Philippines that followed the outbreak of hostilities, Sakakida too had been thrown into the Bilibid Prison, though via a much more circuitous chain of events. In the preceding months he had found employment as a clerk in the Nishikawa Hotel in return for his room and board, a job which had given him an ideal opportunity to inspect the passports and other credentials of Japanese visitors to Manila. With the coming of the war Sakakida's information-gathering operation gained much greater momentum. The United States now required all Japanese nationals to file declarations of their bank accounts and assets, and many of them came to Sakakida to seek his help in filling out all the various forms. In this way he was able to interview a considerable portion of the Japanese community in the Philippine capital and obtain a large volume of information which did not go on the forms, particularly about the military background of the people concerned, all of which he passed on to U.S. Military Intelligence.

Sakakida did not, of course, reveal to anyone that he was an American citizen. Since to all outward appearances he was completely Japanese, he was treated as such by the hostile Filipinos, and before long he found himself in such physical danger that he was forced to look to his own survival. When the Manila radio station announced that all aliens should report to their local police station for internment, Sakakida was happy to oblige. Along with three other Japanese he was flung in the back of an open police truck and driven off through the narrow streets of Manila, where crowds of angry, anti-Japanese Filipinos aimed blows and

missiles at them, so that they were bruised, bloody and exhausted by the time they reached the sanctuary of the Japanese Club, now an internment centre for Japanese, German and Italian aliens. A few days later he was sent into Manila city to obtain food for the children in the centre, and while he was there he took the opportunity to return to his hotel to pick up his belongings. But he had barely begun to pack his bags when he was seized by three Filipino Secret Service agents on suspicion of being a spy and thrown into Bilibid Prison, where like his fellow agent Komori he languished in hope of rescue by his CIC commander, Major Raymond.

By now the situation on the war front had begun to deteriorate catastrophically. In the first phase of their plans for the military conquest of the Far East, the Japanese had launched an almost simultaneous assault on Hong Kong, Malaya and the Philippines. On the same day as the attack on Pearl Harbor, over half the bomber of the American air force in the Far Eastern Theatre and one-third of the fighters were destroyed in Japanese air attacks on the American air base at Clark Field in the Philippines, and the naval base in Manila Bay was effectively devastated. Without naval support or command in the air, the commander of the Filipino and American forces in the Philippines, General Douglas MacArthur (Commanding General of the U.S. Army Forces, Far East), had no real prospect of holding Manila when the Japanese began landing ground forces in strength on the island of Luzon on 20 December, and he ordered a withdrawal southward to the natural stronghold of the Bataan Peninsula and the island fortress of Corregidor, where he would hold out as best he could till relief arrived from Hawaii, perhaps in six months' time.

Inevitably Sakakida and Komori were swept up in the turmoil of the last few desperate days before the Japanese entry into Manila. Events moved swiftly. First they were snatched from prison by Agent Drisko; then on Christmas Eve, with bombs falling on Manila and the sky over the city a lurid red from the fires of burning buildings and oil tanks, they were bundled on to a tiny steamer bound for Bataan, along with the entire staff of the CIC Detachment and Military Intelligence section and all their documents. Sakakida and Komori were seconded to Corregidor, the tiny overgrown island fortress off the tip of Bataan, popularly known as The Rock, where General MacArthur had established his headquarters after the retreat from Manila. Here Sakakida was assigned as General MacArthur's personal interpreter and translator. So desperate was the general need for Japanese linguists, however, that both Sakakida and Komori were sent to work near the front lines in Bataan in alternating three-day shifts, so that while one was on The Rock the other would be in Bataan until they changed places. In Bataan they operated from makeshift headquarters of bamboo sticks and banana leaves in a clearing in the jungle, where amid the screeching birds and clacking palms they plunged into a frenzy of activity. They went on patrols and scouting expeditions through the lines, interrogated prisoners-of-war, interned collaborators, collected enemy documents and translated them, amassed information of all kinds about Japanese movements and intentions.

On occasion Sakakida traveled to the front to collect personal papers from the bodies of the Japanese dead, for Japanese soldiers kept highly detailed diaries which provided not only useful tactical information but illuminating insights into the morale and outlook of the Japanese soldiery. Once he was

summoned from army headquarters to broadcast a surrender appeal in Japanese to die-hard Japanese troops fighting a last-ditch battle in the cliff caves at Longoskawayan Point, where the Japanese Army had been trying to build up a pocket to outflank the American defences at the Bataan front. The Japanese responded to Sakakida's appeal with a fusillade of fire and had to be wiped out to a man by pointblank gunnery. Sakakida was not very popular with American and Filipino front-line troops, because wherever he went he drew a lot of fire from the enraged Japanese. Sitting in his fox hole with his microphone and loudspeaker and an escort of Filipino Scouts, he would broadcast his surrender message across to the Japanese front line, and the Japanese would listen in silence with exquisite politeness until he had finished, and then blast the area to bits with mortars and grenades and anything else they could lay their hands on. At one time Sakakida tried firing little messages at them with a home-made catapult. The messages, which were rolled up in 2-inch lengths of piping, read: "It is cherry blossom time back in your homeland, and the military have sent you here to the jungles of Bataan. You ought to be at home with your families and loved ones enjoying the cherry blossom. So why continue this futile battle? Come and surrender with this leaflet and your shipment back home will be guaranteed."

After this bombardment of the Japanese positions with this touching homily, a voice with a strong Japanese accent called out in English from the jungle: "What the hell are you firing now, Americans? Are you out of ammunition?"

By now many agents found themselves in the thick of intensive and desperate fighting. When Special Agent Lorenzo Alvarado's unit lost all its officers, Alvarado assumed command during a fire fight with the enemy, and for his courage and initiative was subsequently decorated with a gallantry award. Early in March one of Sakakida's colleagues, Special Agent Harry Glass, made history by becoming the first CIC agent to be wounded in World War Two. He was struck in the neck by a .25 calibre rifle bullet fired by a Japanese sniper hidden in a tree along a jungle trail. By a miracle, the bullet entered one side of his neck and exited the other side without piercing the oesophagus or severing any blood vessels, and Glass was back on duty in a couple of days, with only two small plasters, one on each side of his neck, to mark the historic spots.

Back on Corregidor they found The Rock was not a nice place to be. It was now raked daily from dawn to dusk by Japanese air and artillery bombardment, so that the garrison was forced to seek permanent shelter in the tunnel system bored deep inside the hills, where they eked out an acutely uncomfortable troglodytic existence on half rations. Under the hail of Japanese high explosives the two Nisei on Corregidor worked 16 to 20 hours a day helping to decipher Japanese signal codes and monitoring Japanese air force communications, which were broadcast in clear, thus enabling the Americans to warn target areas on the island that a raid was coming. Later they were joined by another Hawaiian-born Nisei, Clarence Yamagata, a civilian who had practised law in Manila and acted as part-time legal advisor to the Japanese Consulate until the American withdrawal from the city.

As time passed the American position became more and more hopeless and untenable, even on fortress Corregidor. By the beginning of April it was clear that the end was near for the hard-pressed soldiers on Bataan. After three months of bitter and intensive combat, malnutrition and disease the men were exhausted. By now the average daily

food intake was down to 800 calories per man; and 90 per cent of the Filipino Army had no shoes. Hope of relief had faded and most were resigned to the prospect of imminent surrender to an overwhelming enemy. Few could now escape the tragic fate that was about to overtake them.

On 9 April Bataan fell in the greatest capitulation in American history and some 76,000 shattered American and Filipino survivors were led north into captivity on a notorious death march that killed over half their number. Many of Sakakida's CIC comrades took part in this march. Others were transported to the prison camps in crowded, insufferably hot freight cars, without water or food. Most were to die at the hands of the Japanese, succumbing to the privation and brutality of the camps, or drowning in torpedoed prison ships, or simply disappearing without trace. One agent did manage to escape after the surrender on Bataan. This was Grenfell D. Drisko, who had been one of the first CIC contacts that Sakakida and Komori had made on their arrival in the Philippines. Fleeing to the hills, Drisko had joined up with a guerrilla group, but unconfirmed reports indicate that shortly before the Americans recaptured the Philippines, Drisko's location had been betrayed to the Japanese in return for a bounty and he was subsequently captured and killed.

By the time of the Bataan surrender General MacArthur had already removed himself and his headquarters to the security of distant Australia, leaving his deputy, General Wainwright, to hold the fort—in a completely literal sense—on doomed Corregidor. Both generals expressed deep concern over Komori and Sakakida. Since the Japanese refused to recognize the right of anyone of Japanese blood to bear loyalty to another country, they would doubtless treat the two Nisei with even greater harshness in captivity than they would their Caucasian comrades—especially if they discovered that the Nisei in question had been undercover agents of American military intelligence. General MacArthur therefore ordered Komori and Sakakida to leave the Philippines on the makeshift evacuation flotilla known as the "bamboo feet." This presented Sakakida with the most difficult and momentous decision in his life and marked his transition from an agent of ability to a man of heroic stature—and a master spy.

Sakakida contended that the evacuation plans as they stood entailed leaving Yamagata behind to face his fate as a prisoner of the Japanese. In his view this was unthinkable. Yamagata had openly occupied a position of trust among the Japanese and then voluntarily come over to the American side. Clearly he would be marked out for special treatment by his captors—a fate too dreadful to contemplate. Sakakida was also aware that Yamagata's wife and children were then living in Japan, a situation which made Yamagata even more vulnerable to any pressure the Japanese chose to put on him. Sakakida himself was not in such a vulnerable position. He had never worked openly for the Japanese, he had no wife or family. It was therefore only right and just, he felt, that Yamagata should take his place on the ride to freedom. He put this proposal to his commanding officer, who in turn put it to General Wainwright, who put it to General MacArthur, who agreed. Sakakida would have to survive the Japanese occupation as best he could.

So, early on the morning of 13 April 1942, Sakakida bade Yamagata and fellow agent Komori farewell as they set off on their breakout bid from the beleaguered island of Corregidor. They went not by sea but by air, taking off from the island's tiny airstrip on what was considered a "50-50 attempt" to get

out in an army training plane that had been patched up after a previous crash landing, with an American newsman and an emissary from the Chinese leader, Chiang Kai-shek, also on board. The plane flew through the Japanese blockade without incident and landed on the more southerly Philippine island of Panay. Here they were rescued by a B-25 bomber flown, in Komori's recollection, by a legendary pilot by the name of Captain Paul I. ("Pappy") Gunn, an expert in daredevil low-level flying, who flew them out. Komori later recalled, "in a flight in broad daylight through enemy territory in a hedge-hopping, canyon-shooting, wave-skipping trip, during which the pilot kept telling us that enemy planes could not see us as we were flying only a few feet above our own shadow." The B-25 landed on Mindanao, the most southerly of the main Philippine islands, where it took on a maximum fuel load and then took off again on an historic flight of 17 hours to Australia, the longest flight ever made by an aircraft of that type. Komori was later to state that in his view this flight had been a "test hop" which proved that a B-25 could be flown much farther than had hitherto been believed, and that it set a precedent for the bombing raid on Japan made a few days later by B-25's from the aircraft carrier *Hornet*.

Komori's first task in Australia was to write what turned out to be the definitive American guideline for the handling and interrogation of Japanese POWs, based on the experience that he and Sakakida had had in Bataan. The two CIC Nisei had found that if a Japanese captive was given a drink of water, an American cigarette and immediate medical care if needed, his fear of summary execution evaporated and he was happy to disclose everything he knew or was asked. This "kindness and understanding" approach was to pay off in huge tactical and strategic intelligence gains throughout the rest of the war in the Pacific area.

Because of his language capability, Komori was next assigned to the newly formed Allied Translation and Interrogation Section under Colonel Sidney Mashbir. ATIS performed an increasingly valuable task in translating captured enemy documents and interrogating captured Japanese soldiers. But Komori was a CIC agent and was in due course assigned to the chief of counter intelligence in MacArthur's South West Pacific command, General Elliott Thorpe. When the tilt of war clearly swung against the Japanese, Komori rejoined the CIC in the field as the agent, first in the Philippines during the American re-conquest, then in Japan, where he was one of the first CIC agents to set foot after the surrender. Komori was to make a career in the CIC after the war, retiring as a colonel to practise law in his native Hawaii.

Sakakida's experience was to prove very different. There was little for him to do except wait. He joined up with the other members of the CIC detachment on Corregidor preparing for the inevitable surrender and helped them destroy intelligence files and other records. He was then instructed to revert to his former role as an undercover agent and officially listed as a civilian by the American command. It was understood that if the opportunity ever arose he would try to enter the Japanese forces with the object of channelling intelligence material to the guerrilla formations that were already gathering in the hills.

On 6 May the ravaged defenders of Corregidor were overwhelmed by the greatly superior Japanese forces that had fought their way ashore. After sustaining heavy U.S. losses, General Wainwright and several of his aides, carrying a white flag, went out of the tunnels in the direction of the enemy lines in order to arrange a surrender. Some four

hours later Wainright had not returned—and the Japanese had not ceased their onslaught. Fearing the worst for Wainright's fate, his deputy, General Beebe, decided to take a small leaking harbour craft and try and reach Bataan to contact some higher ranking Japanese. Sakakida went with Beebe to interpret; Special Agent James Rubard and several others of the headquarters staff volunteered to man the boat for the voyage across.

As the boat came in to Cabcaban Port on the south-east tip of Bataan, a squad of Japanese soldiers appeared, forced the Americans to stand at attention and then proceeded to remove their dogtags, watches and other valuables. The Japanese NCO in charge then spoke to Sakakida in Japanese, and when Sakakida replied the NCO struck him a number of times, breaking his glasses, cutting his face and knocking him to the ground. "Hold your temper, Kelly," General Beebe admonished Sakakida, deliberately addressing him by a false name in order to conceal his Nisei identity. Rubard feared they were going to kill Sakakida on the spot, but instead they refused to allow him to accompany General Beebe as an interpreter and returned all but General Beebe and his aides by Japanese landing craft to the area of Corregidor where American forces were being held captive.

For CIC men like Rubard and Sakakida this was a highly volatile and dangerous time, especially when the Japanese began calling members of Wainright's headquarters staff to Malinta Tunnel for interrogation. Along with other members of G-2 staff, Agent Rubard had been engaged in despatching Filipino natives in small boats to Bataan and to the mainland to observe and report on Japanese military dispositions and movements. Being aware of the identity of these Filipinos, he feared that under intense physical abuse and torture he might be compelled to reveal their names. For that reason he intended concealing his identity from his captors, at least until the interrogations had ceased and prisoners had been transferred to other locations.

But Rubard's plan was foiled, and his life and that of his CIC colleague Sakakida put in jeopardy, by the activities of a certain John David Provoo, a former G-2 clerk from army headquarters in Manila, who as a Japanese linguist had at one time been considered as a potential recruit for the CIC Philippines Detachment. Provoo had never been accepted into CIC because his background investigation revealed that he was a suspected homosexual and Japanese sympathizer who had spent several years in Japan learning the Japanese language and studying to be a Buddhist monk. Immediately after the surrender of Corregidor, Provoo began acting as an interpreter for the Japanese occupiers. He went with Japanese troops to the hospital wing of Malinta Tunnel and relayed their orders that all sick and wounded Americans should be moved out at once so that Japanese wounded could be hospitalized there. When he heard this order Captain Thompson of the Medical Service Corps told Provoo: "Tell them to go to hell, the men are too sick to be moved." When Provoo interpreted this response to the enemy, they immediately dragged Thompson out of the tunnel and executed him on the spot.

This same John David Provoo now brought a squad of Japanese soldiers down to the prisoner enclosure and pointed out Rubard and several other headquarters staff members. Three grueling, intensive days of ceaseless interrogation then befell the helpless Rubard as his captors demanded information on codes, Filipino agents and much else besides. At each interrogation the Japanese became increasingly angry and abusive. But

they were not very skilled in the art of interrogation and were further hampered by their very limited knowledge of English. By the third day of questioning Rubard's interrogators were slapping him about and swinging their swords to demonstrate how they would behead him if he did not co-operate. But he was able to maintain a consistent story throughout his interrogation. He claimed that his only duty had been to keep the G-2 situation map up to date, that codes were kept by the Signal Corps (which was true), and that Filipino agents had been handled by two G-2 officers who had been evacuated to Australia by submarine shortly before the fall of the island. At the end of the third day Rubard was returned to the prisoner compound with his head still intact. The next day he joined the main body of American prisoners leaving Corregidor for a prison camp in Central Luzon. He was never interrogated again. (After his liberation, Rubard learned that Provoo had worked for Japanese propaganda radio in Tokyo during the war. He was never charged as a traitor, however, and his trial in a U.S. court on charges of complicity in the murder of Captain Thompson was dismissed on the grounds that he had been denied a right to a fair and speedy trial. So Provoo went unpunished for his actions against his fellow countrymen, though some years later he was reportedly imprisoned for different criminal offenses.)

Like the surrendered troops on Bataan, the American defenders of Corregidor were herded into captivity on a death march which left many dead or dying, and some of those who survived this grim ordeal then had to endure an even grimmer one in the hands of the Japanese military police—the dreaded Kempei Tai.

Sakakida was one of those in whom the Kempei Tai took a special interest. He did not take part in the death march but was kept on Corregidor for six months—the only American left on this tragic rock. He had originally come to the attention of the Japanese military on the very first day of the surrender, when he had accompanied General Wainwright to Bataan to act as interpreter at the surrender conference. From that day his life had followed a steep decline into hell. He told the Japanese that he had been taken by the Americans from internment camp and made to work for them under duress, but the Japanese did not believe this cover story and produced several liberated Japanese prisoners-of-war who testified that Sakakida had worked for the United States Army as an interrogator on a completely voluntary basis. He was kept in one of the side tunnels in Corregidor's honeycomb of tunnel installations and interrogated over a period of several months. As Sakakida was not very cooperative the method of interrogation grew daily more severe. Sakakida was tortured, often severely. Sometimes he was burned all over his body with lighted cigarettes, sometimes he was beaten. He was slung with his back over a wooden beam, his feet dangling free of the floor, and he had water pumped into his stomach and was then jumped on by his Japanese guards.

It was never entirely clear whether the torture was meted out as a punishment for being a Nisei, as a means of extracting information, or both. The Kempei Tai not unreasonably believed that any Japanese who had suddenly appeared in their midst at the side of the American C-in-C in the Philippines, as Sakakida had done, ought to have something interesting to divulge to them, though they were not sure what. So every so often they beat him and burned him some more, but he still would not talk. He was taken to the former School of Artillery at Fort Stotsenberg and tortured, and sometimes he was hauled off to the Judge Advocate Gen-

eral's section at Fourteenth Army Headquarters in Manila, where the view and the faces were different but the general ambience much the same as before. Throughout all this unpleasantness Sakakida held out and stuck to his original story. He claimed that he was a victim of circumstances and that the Americans had taken him to Corregidor and Bataan as an interpreter and nothing more. He maintained that he was an American citizen (which was true) and a civilian (which was not). Never once, burnt and bloody though he was, did he so much as breathe a hint that he was an agent of enemy intelligence.

In December 1942 Sakakida was removed to Bilibid Prison. Here he shared the same cell block as Japanese soldiers serving life sentences for surrendering to the Americans during the battle for Bataan. Some of these soldiers had been interrogated by Sakakida after their surrender and they now relished the opportunity of getting their own back. Sakakida was not informed that he was to stand trial for treason, since anyone of Japanese ancestry was of necessity a Japanese citizen, and it was therefore as a Japanese citizen that he had given his services to his country's enemies, the Americans. If this charge was continued with, Sakakida faced the death sentence. But towards the end of the year Fourteenth Army Headquarters received word from the Japanese Foreign Ministry in Tokyo that, although Sakakida had indeed been registered with the Japanese Consul in Hawaii at birth, his Japanese citizenship had been officially made void in August 1941 by his mother. She had the foresight to take this action after her son had left for the Philippines—an action which even the Japanese recognized made the charge of treason illegal. The charge against Sakakida was therefore reduced to one of disturbing the peace and order of the Japanese Imperial Forces in Japan, and the interrogation continued, and the torture too, though on an appropriately reduced scale. Then this luckless Nisei was put in solitary confinement and left to rot.

Altogether Sakakida spent nearly a year in the hands of the Kempei Tai. Finally, in February 1943, he was taken from Bilibid Prison to the office of Colonel Nishiharu, Chief Judge Advocate of Fourteenth Army Headquarters, who had evidently reviewed the case and come to the conclusion the story which Sakakida had continued to tell without a single variation was in all probability genuine. The Colonel told Sakakida that he would now be released from custody and taken into his, the Colonel's, employ. He was to work in the office as an English translator, run a mimeograph machine, make tea and help out generally, and in his off-duty time he would serve as a houseboy at the Colonel's home. Sakakida was soon to discover that security was not the Japanese military's strongest virtue. After he found himself alone in the office with countless sensitive documents lying untended in unlocked filing cases. Some of these documents he proceeded to memorize or purloin, though as yet he had no means of communicating their contents to the Allied cause.

Sakakida's rehabilitation was only probationary, however. At various times and in devious ways the Japanese tried to trap him into an admission that he was a serving member of the United States Army. One day someone threw him a .45 pistol to clean, just to see how he handled it. Sakakida realized that to disassemble the weapon properly would demonstrate an embarrassing military expertise on his part, so he merely wiped it with an oily rag and handed it back. On another occasion a Japanese officer, a graduate of Harvard with a disarmingly sympathetic manner, quietly asked him how much the

U.S. Army paid him as an interpreter. Sakakida saw through this ruse at once, of course—it was a common method of finding out a prisoner's rank—and replied that he had received no pay at all, only food and accommodation. Once he was alarmed to hear the counterespionage chief at Fourteenth Army suddenly accuse him out of the blue of being a sergeant in the American Army, a charge he denied with sufficient vehemence for the officer to turn to other things. All these ruses he survived, only to be caught dipping into Colonel Nishiharu's precious stock of American cigarettes, an outrage which earned him the sack as houseboy at the Colonel's house (though he was kept on in his job at the Colonel's office).

As it turned out, this was the best thing that could have happened to him. He was now sent to live in the civilian barracks in the former English Club in Manila city. Even under its new managers, the English Club could hardly be described as a penitentiary. Though the Japanese warrant officer in charge kept strict discipline—roll call at six in the morning and 11:30 at night, bed check at midnight—he overlooked the hours between midnight and the morning roll call. Sakakida thus found that he had several hours of the night at his disposal to resume his role as a CIC agent deep behind enemy lines. During those hours of darkness he had the opportunity to pass on valuable intelligence information gained at Fourteenth Army Headquarters during the day. He knew that by this time the Filipino resistance had built up a well-organized guerrilla movement in the mountains and possibly had established radio contact with General MacArthur's headquarters in Australia. If Sakakida could find a suitable go-between he might be in a position to make an important contribution to the intelligence war against Japan. The risks he ran were appalling, but at no time did he see himself as heroic—it was simply something he felt he had to do, and was glad to do.

Sakakida's lucky break came not long afterwards, when the wife of an imprisoned guerrilla leader, Ernest Tupas, who was serving a 15-year sentence for anti-Japanese activities, walked into the Judge Advocate General's office to apply for a pass to visit her husband in Muntinglupa prison. Sakakida was required to translate her request into Japanese and during this initial contact he not only revealed his identity as a U.S. Army Nisei to her, but was able to fill out a number of bogus passes for her and other guerrillas' wives, and also hand over several intelligence documents concerning Japanese military plans. In return, Mrs. Tupas was able to arrange meetings between Sakakida and many of her husband's guerrilla comrades who were still at large in the Filipino resistance. In his free hours Sakakida was able to pass on tactical information to them and to hatch a daring plan to spring Tupas and as many as 500 of his fellow guerrillas from prison.

Sakakida's plan was simple in concept. All that was required was for Sakakida himself and a small group of guerrillas disguised as Japanese officers to overcome the prison guards and release the inmates. In practice, of course, it was a rather more complex business. There were three essential components to Sakakida's plan. The first was that Tupas himself should somehow wangle himself a job in the prison's electrical department, so that at an appropriate moment he would be in a position to short-circuit the prison electrical facilities. The second was that the guerrillas should keep a meticulous watch on the prison in order to determine the precise movements and time-keeping of the prison guards. The third was that somehow they should get hold of five or six Japanese offi-

cers' uniforms, preferably without knife-holes in the back of the tunics.

All this was done and by October 1943 everything was arranged. Immediately after the midnight bed check in the barracks at the English Club, Sakakida stole out into the darkened, deserted streets of Manila and made his way to his rendezvous with the guerrilla raiding party. Along with four of the guerrillas he changed into Japanese officer's uniform, complete with medal ribbons and a clanking sword at his side, and spent a few moments rehearsing army salutes and formal Japanese bows. Then, with military precision and a haughty imperial swagger to their stride, the group strutted off down the road to the Muntinglupa prison, backs straight, chests puffed out, faces grim and set, polished boots echoing click clack on the paving stones. Sakakida, as the only ethnic Japanese and linguist in the group, marched at their head as they approached the main gate of the prison. It was he who addressed the soldiers of the guard at the prison entrance, barking at them in harsh, guttural commands which compelled their confidence and respect. Thinking that the guerrillas were officers from the Japanese garrison making their nightly security inspection of the prison—which the guerrillas had already established took place regularly between midnight and 2 a.m.—the guards bowed low in respect for their superiors, in accordance with Japanese custom. And as they bowed, eyes firmly fixed on the ground at their feet, Sakakida and his partisan comrades tapped each one on the back of the head with the weighted butt of a .45 revolver.

With precision timing the lights in the prison were suddenly extinguished—Tupas had done his job well. Sakakida was now joined by a second, much larger guerrilla group of some 25 men, and under cover of the darkness and confusion the reinforced guerrilla force broke into the prison, rapidly overpowered the guards inside and began opening the cell doors. Altogether nearly 500 Filipino prisoners escaped from Japanese captivity that night in one of the biggest gaol-breaks of the war. Most of them got clean away, scampering as fast as their legs would carry them out to the city outskirts and the friendlier countryside before dawn could reveal their whereabouts to the enemy. By then Sakakida was safely back in the English Club in time for morning roll call, and later in the morning he had the gratification of witnessing the hysterical Prison Superintendent report to the barely less hysterical Judge Advocate General the inexplicable loss of his entire contingent of prisoners—only to be dismissed on the spot for his pains.

Among those who get away was the biggest prize of them all, the guerrilla leader Tupas. With the other escapees, Tupas made for the mountains of Rizal, where he set up new partisan headquarters and—most crucially—established radio communications with the Australian headquarters of General MacArthur, who was now C-in-C of United States land and air forces in the Pacific Theatre. At last Sakakida had a means of relaying to the Americans the vast amount of information he had acquired while he was working in Colonel Nishiharu's office at Fourteenth Army Headquarters. In effect, Sakakida had become one of that exotic band of makeshift intelligence agents known as the "coast watchers of the islands", a fifth column of traders, telegraphists, anthropologists, civil servants and others who were left behind when the islands were overrun by the Japanese but managed to evade captivity and to communicate information about Japanese movements and forces by radio to MacArthur's headquarters throughout the course of the war.

Sakakida's position was almost unique, however, for it was a rare event in the history of World War Two for the Army headquarters of one belligerent nation to have one of their serving soldiers and intelligence agents reporting back from the very heart of the Army headquarters of an enemy belligerent nation. But this was the case with CIC Agent Richard Sakakida. Moreover, much of the information he now transmitted was priceless. Much of it concerned Japanese troop movements and shipping activities, all of which was of vital significance in the day-to-day conduct of the campaigns in the Pacific Theatre. But probably his single most devastating contribution to the American military cause was a portion of the invasion plans of a Japanese Expeditionary Force of the Thirty-Fifth Army which was to be sent to Australia. Just how important these plans were Sakakida was able to glean a few months later from a Japanese officer in the Judge Advocate General's office who had taken part in the ill-fated mission. The officer in question had been on board one of the navy ships that had left the Philippines, ostensibly with plans to land invasion forces at Port Darwin in Northern Australia. The officer returned to the Philippines on the only ship that got back. American submarines had taken care of the rest.¹

With the tide of war now beginning to run against the Japanese, and the dream of imperial conquest cracking and crumbling away, Sakakida's position at Fourteenth Army Headquarters grew steadily more precarious. It was not that he was under any direct suspicion, only that as a Nisei he was viewed with increasing opprobrium by any member of the Japanese military who came into contact with him. Once Japanese headquarters came under direct American attack the mutterings against him deteriorated into outright hostility. In December 1944, because of heavy air raids on Manila, the Japanese commander in the Philippines, General Yamashita, the legendary conqueror of Singapore, was forced to move his headquarters to Baguio in the mountainous north of Luzon, and then even farther into the mountains, to Bontoc, a few months later. The time had come, Sakakida reckoned, to make a break for it and hide out through the final phase of the war in the security of the hills.

It was not the first time he had considered escape. More than a year previously General MacArthur's headquarters had ordered Anderson's Guerrillas—a guerrilla unit led by an American officer who had escaped from Bataan—to try and extricate Sakakida from the Philippines, but Sakakida had feared a trap, Anderson's messages to headquarters had got garbled, and the whole operation had broken up in confusion. This time he would make no mistake. Early in June 1945 he escaped into the mountains and a week later joined up with a small band of guerrillas in the vicinity of Farmschol. Ten days later they came under heavy Japanese shelling during which Sakakida was so badly wounded that he had to be left behind when the guerrillas made good their escape. He was now on his own and would remain so to the finish, wandering between the lines for weeks and months on end.

In the remotest reaches of the jungle Sakakida lived more like an animal than a man. Though the jungle was luxuriant it offered little enough to eat beyond grass and wild fruits. With a razor blade he removed shrapnel fragments embedded in his abdomen, but his wounds festered and he was

¹Since there is no record of any Japanese invasion of Australia, it must be assumed that what Sakakida had in mind here was the engagement known as the Battle of the Bismarck Sea.

drenched by tropical cloudbursts, for it was into the rainy season, and bitten to within an inch of his life by the hordes of tropical insects. For months he endured semistarvation and the ravages of malaria, dysentery and beriberi. His hair and beard grew long and wild, his skin was covered in sores and scratches, his voice grew cracked and feeble, his eyes burned fever-bright his clothes hung in tatters. He had no means of knowing what was happening in the outside world, no knowledge of the course of the war, of the liberation of the Philippines, the bombing of Hiroshima and Nagasaki, the American landings in Japan, the Japanese surrender to General MacArthur on board the battleship *Missouri*. But he did notice that no more American P-38 fighter-bomber planes were coming over dropping napalm, and that there seemed to be a lot of trigger-happy Filipinos about, whom he was careful to avoid.

World War Two had been over for weeks when Sakakida decided his condition was so desperate that he ought to attempt to reach help. Finding himself close to the Asing River, he resolved to follow it downstream, hoping to reach the sea, but he was so ill he could only make painfully slow progress, and sometimes he blacked out. Then one day he spotted some movement among the trees ahead, a group of soldiers coming up the hill, and he drew as close to them as he dared. The soldiers carried equipment and wore helmets and uniforms which were strange to him. They were clearly not Japanese, nor obviously American, and his first thought was: "God! Now they've got Germans out here!" Not until he was within earshot of the men and could hear snatches of their conversation did he suddenly, ecstatically, realize that they were Americans after all. At first he was afraid to come out of hiding for fear they would take one look at his wild Japanese appearance and shoot first and ask questions later. But eventually euphoria overcame his caution, and madly waving his arms and yelling as loudly as he could, he stepped out of the jungle for the first time in months.

"Don't shoot!" he yelled. "I'm an American! Can't you see? An American!"

The soldiers were extremely skeptical. Sakakida hardly looked human, and certainly not American. They took him to their battalion headquarters, an outfit which turned out to be a medical evacuation unit posted in the forward areas to collect stragglers. To the CO of this unit Sakakida identified himself as an intelligence agent captured by the Japanese at the outbreak of the war, and he gave his serial number (10100022) and other pertinent data to back up his claim. The officer was also extremely doubtful about all this but agreed to put through a telephone call to the CIC Field Office, and two hours later two CIC lieutenants drove up in a jeep, leapt out and identified the weary agent as one of the men they had been ordered by General McArthur's headquarters to look for. Then they bundled Richard Sakakida into the jeep and drove him to the Bagadec Field Office of the First CIC Region of the 441st CIC Detachment. He had come home at last. An uproarious welcome engulfed this lone survivor and a festive banquet was laid out in his honour, with fried chicken and beer and white bread and fresh butter and other good things. Having lived for months on nothing but herbs and grasses, such sumptuous fare proved too rich for him and it took him a week to recover from the effects of the most memorable binge in his life.

Sakakida was hospitalized for a week, then sent to Manila for de-briefing. His story was so extraordinary that he found people needed a lot of convincing he had not been a collaborator with the Japanese. At Christmas 1945 he was at last sent home to Hawaii for two

weeks' leave, one of which he spent in hospital with malaria and a high white corpuscle blood count. Then it was back to Manila, where he was assigned to the War Crime Investigation team, locating and identifying guilty parties, aided by the Japanese predilection for keeping records and diaries. He testified in the trial of General Yamashita and later in the trial of the American traitor of Corregidor, Sergeant John David Provoo. Commissioned in 1947, he sought a transfer to the air force and was subsequently posted to Japan, finally retiring in 1975 as a lieutenant colonel in the U.S. Air Force. Today Richard Sakakida is alive and well and living in California—and happy to avoid the ballyhoo that attends most national heroes.

Richard Sakakida and Arthur Komori were among the only members of the CIC Detachment in the Philippines—the "Lost Detachment"—to survive the war. Others known to have survived included Special Agents Lorenzo Alvarado, John Lynch, Ralph Montgomery, James Rubard and Clyde Teske. Most of the rest died in Japanese hands. Both these brave Nisei were awarded Bronze Stars for their work which, in the words of their commendation, "they performed with complete disregard to the danger in which they found themselves." These two Nisei, the citation continued, "are a credit to their people and to the United States Army." Of Sakakida's exploits over and above the call of duty, his friend Komori had this to say: "His successful duping of the Japs is the finest story of counter intelligence within enemy lines. His recovery was considered even more important than the capture of General Yamashita, the conqueror of Singapore."

THE BAD DEBT BOXSCORE

Mr. HELMS. Mr. President, as of the close of business Monday, January 29, the Federal debt stood at \$4,987,704,420,651.53, about \$13 billion shy of the \$5 trillion mark, which the Federal debt will exceed in a few months.

On a per capita basis, every man, woman, and child in America owes \$18,931.76 as his or her share of that debt.

LT. COL. B.G. WRIGHT

Mr. BYRD. Mr. President, I congratulate B.G. Wright, who has served on my staff as a Fellow from the Army National Guard, for this promotion to Lieutenant Colonel. B.G. has been a very active member of my staff for the last year, handling a variety of issues in the broad areas of national defense and foreign policy in the context of my work on the Armed Services Committee and as the Ranking Democrat on the Appropriations Committee.

He has been a full participant in the complex and demanding life of the Senate, and has assumed growing responsibilities within the legislative process. In this context, he has been responsible for developing and drafting policy memoranda, legislative amendments, talking points, and floor statements. He has developed rapidly an unusual acuity for the chemistry and movement of issues in the often confusing milieu of the Senate legislative process, and the floor consideration of national defense legislation.

In the context of our Committee work he has drafted authorization and

appropriations language and recommendations in a wide variety of areas, including: the budget of the Department of Defense and the State Department, U.S. policy toward Bosnia, and the annual budget for world-wide military construction projects. In all, his work has been outstanding, timely, with a sure foundation of good judgment, a fine knowledge of the English language, a pleasing writing style and an ability to make a good argument. His work, in fact, has been outstanding even in the comparison to the general group of Fellows that serve in the Senate on an annual basis, and I have been very pleased to request that the Army National Guard leave him with us for another legislative session.

In the same time, B.G. Wright has attended to his other duties in the Army National Guard, and also to his very unusual duty of serving as a White House social aide. In the process of this latter position, he was requested by name to assist President Clinton in hosting 150 Heads of State for the United Nation's Fiftieth Anniversary in New York.

The Army National Guard has had the good sense to permit B.G. to remain on my staff for an additional year, and I have no doubt that he will continue to grow and contribute to the life of the Senate in the coming year. I look forward to his work, his exceptionally pleasing personality, and his good character. I again congratulate him on a well deserved promotion to Lieutenant Colonel and wish him all the best in his Army career.

NATIONAL ENDOWMENT FOR THE ARTS

Mr. PELL. Mr. President, I strongly oppose the effort to defund the National Endowment for the Arts. Playing games with the budget appropriations in this manner is contrary to the Nation's welfare. The intent to incapacitate and slowly dismantle the agency by obstructing the planning and grantmaking processes appears to be a deliberate attempt to terminate Federal support for the arts and to deny Americans access to their cultural heritage.

Some may believe that the arts will be able to generate the local support necessary to sustain themselves, but I am fearful the opposite will be true. Local dollars are already stretched to capacity. Major arts funders such as the Rockefeller Foundation, the Pew Charitable Trusts in Philadelphia, and the James Irvine Foundation in California have stated publicly that foundations will not and cannot replace Federal funding. Corporate giving has declined in recent years despite economic growth and there is little, if any, reason to believe that will change. The commercial entertainment industry continues to resist investing in the source of much of its talent. Further,

removal of both the national recognition and the stimulation of partnerships offered through Federal grants will produce a dramatic reduction in State and local support.

The Rockefeller Foundation surveyed 40 foundations and found every donor but one unable to increase their cultural portfolios. Dr. Alberta Arthurs concluded her report of the study by stating, "The cultural situation we have created in the last 30 years is a dense and delicate balance of private and public interests and funds. If this is to be disturbed, what will replace it?"

Opponents of the Arts Endowment know that a replacement is unlikely. The cry to privatize is but a code word for eliminate. These are the same people who advocate for new tax laws that would end deductions for individual and corporate contributions to the arts.

The National Endowment for the Arts has been remarkably successful in furthering the ideals for which it was created. The arts are no longer viewed as the privileged domain of a relatively few practitioners and connoisseurs; they are no longer considered as incidental or peripheral to our way of life. Every single community in our country now has access to its indigenous and creative national culture. Without Arts Endowment funding, many popular programs simply would not exist, let alone be made available to millions of Americans in all parts of our Nation. The major arts institutions serving well-to-do patrons in urban areas will survive, but how many children, elderly, disabled, inner-city and rural dwellers will be able to participate? How will new audiences gain access to our common culture?

Targeting the Arts Endowment is not about balancing the budget. It is about throwing out the solid arts networks built over 30 years because of unease caused by a few controversial grants. The Arts Endowment has already cracked down on such grants, and it has certainly borne its fair share of cuts. Recently, the agency eliminated 47 percent of its staff positions and reorganized its administration and grantmaking to adjust to a 40-percent reduction in its budget. Anything more would severely damage the availability and accessibility of countless arts programs in communities nationwide. It must not happen.

I would urge my colleagues to stop playing politics with the Endowment, honor the appropriations that both Houses have passed, and enact a bridge that will enable this agency, already hampered by severe funding reductions, to get on with its valuable work in an orderly fashion.

SINTE GLESKA UNIVERSITY

Mr. PRESSLER. Mr. President, today I would like to take a few minutes to recognize the achievements of Sinte Gleska University in Rosebud,

SD. This week, the university celebrates its 25th anniversary.

Sinte Gleska has a dual mission—to prepare South Dakota students for the 21st century and extend the Lakota traditions. Each of these missions is important to the future of our State. The university continually must push ahead to incorporate the latest technology into its curriculum, adapting to the changing needs of a diverse and global economy. At the same time, the university must preserve the Lakota heritage—the language and culture which are unique to our region of the country.

It is not an easy task for any institution to simultaneously look forward and back, but Sinte Gleska has done an outstanding job in fulfilling its missions. Each year the university produces graduates who become educators, community workers, and tribal leaders. In fact, the success of native American students at tribal colleges is higher than at other universities.

The university's success certainly can be attributed to its emphasis on values. Sinte Gleska's logo names four values which the university strives to instill in students—wisdom, bravery, fortitude, and generosity. The embracement of these values strengthens individual students and binds the community together.

Last year, Congress passed legislation giving the Nation's 29 tribal colleges land grant status. This important change put tribal colleges on equal footing with other State universities. Additional efforts in Washington to advance tribal colleges are continuing. I am working with other Senators to secure an Executive Order equalizing the treatment of tribal colleges with other minority colleges and universities. Despite repeated efforts by Congress, the President has not yet signed such an order. I again call upon him to do so immediately.

Sinte Gleska students face many new, exciting challenges in the years to come. I have no doubt that the university will help them meet those challenges successfully within the framework of the four values that serve as the foundation for a Sinte Gleska education.

Mr. AKAKA. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. LOTT. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. COCHRAN). Without objection, it is so ordered.

REPORT CONCERNING EMIGRATION LAWS AND POLICIES OF THE REPUBLIC OF BULGARIA—MESSAGE FROM THE PRESIDENT—PM 113

The PRESIDING OFFICER laid before the Senate the following message

from the President of the United States, together with an accompanying report, which was referred to the Committee on Finance.

To the Congress of the United States:

On June 3, 1993, I determined and reported to the Congress that Bulgaria is in full compliance with the freedom of emigration criteria of sections 402 and 409 of the Trade Act of 1974. This action allowed for the continuation of most-favored-nation (MFN) status for Bulgaria and certain other activities without the requirement of a waiver.

As required by law, I am submitting an updated report to the Congress concerning emigration laws and policies of the Republic of Bulgaria. You will find that the report indicates continued Bulgarian compliance with U.S. and international standards in the area of emigration policy.

WILLIAM J. CLINTON.

THE WHITE HOUSE, January 29, 1996.

MESSAGES FROM THE HOUSE

ENROLLED BILL SIGNED

At 2:34 p.m., a message from the House of Representatives, delivered by Ms. Goetz, one of its reading clerks, announced that the Speaker has signed the following enrolled bill:

S. 1124. An act to authorize appropriations for fiscal year 1996 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, to reform acquisition laws and information technology management of the Federal Government, and for other purposes.

The enrolled bill was signed subsequently by the President pro tempore [Mr. THURMOND].

MEASURE PLACED ON THE CALENDAR

The following measure was read the second time and placed on the calendar:

S. 1541. A bill to extend, reform, and improve agricultural commodity, trade, conservation, and other programs, and for other purposes.

ENROLLED BILL PRESENTED

The Secretary of the Senate reported that on January 30, 1996 he had presented to the President of the United States, the following enrolled bill:

S. 1124. An act to authorize appropriations for fiscal year 1996 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, to reform acquisition laws and information technology management of the Federal Government, and for other purposes.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with

accompanying papers, reports, and documents, which were referred as indicated:

EC-1835. A communication from the President pro tempore, transmitting, pursuant to law, a notice of adoption of regulations and submission for approval and issuance of interim regulations; referred jointly to the Committee on Governmental Affairs and the Committee on Rules and Administration.

EC-1836. A communication from the President pro tempore, transmitting, pursuant to law, a notice of adoption of regulations and submission for approval and issuance of interim regulations; referred jointly to the Committee on Governmental Affairs and the Committee on Rules and Administration.

EC-1837. A communication from the Director of the Congressional Budget Office, transmitting, pursuant to law, the report on unauthorized appropriations and expiring authorizations dated January 11, 1996; to the Committee on Appropriations.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. HELMS:

S. 1545. A bill to authorize the Secretary of Transportation to issue a certificate of documentation with appropriate endorsement for employment in the coastwise trade for the vessel MOONRAKER, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. DASCHLE:

S. 1546. A bill to increase the debt limit; to the Committee on Finance.

By Mrs. FEINSTEIN (for herself, Mr. D'AMATO, and Mr. INHOFE):

S. 1547. A bill to limit the provision of assistance to the Government of Mexico using the exchange stabilization fund established pursuant to section 5302 of title 31, United States Code, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

S. 1548. A bill to provide that applications by Mexican motor carriers of property for authority to provide service across the United States-Mexico international boundary line and by persons of Mexico who establish enterprises in the United States seeking to distribute international cargo in the United States shall not be approved until certain certifications are made to the Congress by the President and the Secretary of Transportation, and for other purposes; to the Committee on Commerce, Science, and Transportation.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mrs. KASSEBAUM:

S. Res. 217. A resolution to designate the first Friday in May 1996, as "American Foreign Service Day" in recognition of the men and women who have served or are presently serving in the American Foreign Service, and to honor those in the American Foreign Service who have given their lives in the line of duty; to the Committee on the Judiciary.

By Mrs. FEINSTEIN (for herself, Mr. D'AMATO, and Mr. INHOFE):

S. Res. 218. A resolution expressing the sense of the Senate regarding the failure of

Mexico to cooperate with the United States in controlling the transport of illegal drugs and controlled substances and the denial of certain assistance to Mexico as a result of that failure; to the Committee on Foreign Relations.

By Mrs. HUTCHISON (for herself and Mr. GRAMM):

S. Con. Res. 40. A concurrent resolution to commemorate the sesquicentennial of Texas statehood; considered and agreed to.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mrs. FEINSTEIN (for herself, Mr. D'AMATO, and Mr. INHOFE):

S. 1547. A bill to limit the provision of assistance to the Government of Mexico using the exchange stabilization fund established pursuant to section 5302 of title 31, United States Code, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

S. 1548. A bill to provide that applications by Mexican motor carriers of property for authority to provide service across the United States-Mexico international boundary line and by persons of Mexico who establish enterprises in the United States seeking to distribute international cargo in the United States shall not be approved until certain certifications are made to the Congress by the President and the Secretary of Transportation, and for other purposes; to the Committee on Commerce, Science, and Transportation.

MEXICO LEGISLATION

Mrs. FEINSTEIN. Mr. President, last week, President Clinton opened a new front in America's war on drugs with his appointment of Gen. Barry McCaffrey as the Nation's new drug czar. In doing so, President Clinton has once again demonstrated his commitment to put the full weight of his office and the American Government behind efforts to stem the tide of drugs flooding America's streets, and I commend him for that.

The measures my colleagues and I are introducing today are meant as a shot across the bow to the Government of Mexico. This legislation by the chairman of the Senate Banking Committee and myself, a Republican and a Democrat, will hopefully send a strong message that this Congress is prepared to back up the President's efforts in the strongest possible terms if Mexico's actions do not match their words in this war on drugs.

One year ago, the United States provided \$20 billion in loan guarantees to Mexico in an unprecedented economic assistance package. That loan guarantee agreement expires next month with the option to extend it for another 6 months.

Today, based on the seriousness of the drug problem, the volume of drugs flowing into the United States, and the ineffectiveness of Mexico's efforts, I am joining with Senator D'AMATO in introducing three pieces of legislation, two bills and one sense-of-the-Senate reso-

lution, which, among other things, would link extension of the loan guarantee to Mexico to specific actions that Mexico must take to demonstrate greater cooperation with the United States and international anti-narcotics efforts.

Let me explain for a moment the depth of this problem. The Drug Enforcement Administration estimates that 60 to 70 percent of all the illegal drugs that enter the United States are smuggled through Mexico; 75 percent of the cocaine and 60 to 80 percent of all foreign-grown marijuana in the United States originates in Mexico.

DEA testified that it has become commonplace to have 727 cargo-style jets each carrying 10 to 20 tons of cocaine at a time fly into Mexico and return to Colombia with \$20 to \$30 million of United States currency aboard. Colombian drug cartels are using Mexico as a safe haven to store as much as 70 to 100 tons of cocaine to be smuggled into the United States.

The United States Customs officials estimate that almost 70 percent of those arrested for drug smuggling at border stations in the United States are Mexican nationals.

Mexican drug cartels have taken over the methamphetamine drug trade. This is a very dangerous drug, also known as crank or speed. The DEA estimates that 90 percent of the precursor chemical, ephedrine, used to make methamphetamine is smuggled into the United States from Mexico, much of it originating from China.

Methamphetamine is an exploding problem in the United States, and particularly in California. The California Bureau of Narcotics Enforcement figures show that from 1991 to 1994 seizures jumped 518 percent in just these 3 years.

In 10 years, from 1983 to 1993, methamphetamine abuse has skyrocketed in some California counties by more than 1,000 percent. Hospital emergency rooms admissions from amphetamine abuse have jumped by 366 percent.

California is infested with literally hundreds of clandestine and highly mobile methamphetamine labs. State drug officials indicate that these labs are most often run by Mexican nationals who are here illegally.

Mexico's efforts to date are simply not good enough. The recent arrest of Juan Garcia Abrego is a step in the right direction, but overall Mexico's efforts have simply not been enough.

The United States currently has 165 extradition requests pending with Mexico, 56 of those involving Mexican nationals. The United States has had an extradition treaty with Mexico since 1978, yet Mexico has not allowed the extradition of a single Mexican national to the United States for prosecution as any close ally would.

Juan Garcia Abrego was not extradited. He was deported as a U.S. citizen. He held dual citizenship.

The drug cartels still operate in Mexico with impunity. Leaders of two of

the most powerful Mexican drug cartels, Amado Carillo-Fuentes and the Arellano-Felix brothers, have outstanding United States warrants for drug trafficking. They have been seen in public repeatedly with no fear of arrest, and there apparently has been no serious effort to apprehend them.

Money laundering. Mexico has become a haven for money laundering. Under Mexican law, money laundering is not a crime. No reporting requirements for large cash transactions exist. Jose Antonio Ramirez, director of Mexico's Association of Exchange Houses, has said it is common for cartel operatives to show up at unregulated money centers with literally suitcases stuffed with cash. The centers then write money orders or wire the funds to Colombia.

I understand that the Mexican Congress has asked the National Banking Commission to examine ways of preventing money laundering, but whether any concrete changes will result remains to be seen.

Let me give you some examples of government corruption:

Colombian jets unloading tons of cocaine in remote desert areas with the possible cooperation of Mexican Federal Police.

Reports that in a single weekend last November, 20 tons of cocaine destined for the United States were flown into Mexico in two large cargo plane shipments.

And the investigation involving connections between the drug cartels, Swiss bank accounts, and the brother of former President Carlos Salinas de Gortari only serves to reinforce the belief that drug-influenced corruption may reach the highest levels of Government.

Based on Mexico's efforts to date, Senator D'AMATO and I believe that extraordinary measures are required. The legislation coauthored by Senator D'AMATO and myself would do the following:

One, link extension of the loan guarantee to Mexico with cooperation in antidrug efforts. The United States-Mexico loan guarantee agreement expires next month. But the parties share an option to extend the agreement for an additional 6 months. And most likely they will be renewed after that.

This bill would prohibit the extension of the repayment terms for any of the currently outstanding loans to Mexico. It would prohibit the use of any of the remaining loan guarantees not obligated unless certain conditions with respect to antidrug efforts are met.

Second, we are introducing a sense-of-the-Senate resolution that Mexico should not be certified under the Foreign Assistance Act as fully cooperating with the United States and international antinarcotics efforts. Failure to certify as cooperating with these efforts would jeopardize Mexico's eligibility to receive foreign aid.

Sanctions for failure to be certified are mandatory, requiring that the

United States withhold 50 percent of all foreign aid, with the exception of humanitarian and drug enforcement funds.

The third bill prohibits the approval of applications from Mexican trucking companies applying for cross-border permits under NAFTA until the Secretary of Transportation can certify that the trucks meet United States safety standards, the President certifies Mexico is taking sufficient steps to combat international narcotics trafficking, and the Congress approves the applications via a joint resolution.

These are strong steps, but I truly believe that this problem is so serious that strong steps are required.

Evidence that would show Mexico's commitment to address these issues would include action such as the following:

One, compliance with all outstanding requests for extradition by the United States.

Two, enactment and implementation of effective money laundering laws.

Three, action to prevent Mexico's drug profiteers from taking advantage of plans to privatize formerly public assets such as banks.

Four, enactment of effective laws to inspect and license trucks, cars, and aircraft as well as their owners and operators to assist drug crime enforcement.

Five, enactment of effective laws to curtail the importation and export of major precursor chemicals for methamphetamine production and other narcotic production.

Six, specific action to effect the arrests of Mexican drug cartel leaders and other individuals involved in organized crime.

Seven, adoption of a comprehensive program for drug enforcement and assistance to United States law enforcement to take effective action.

Eight, specific action dedicated to detecting and halting the large-scale air transportation of narcotics.

Nine, specific action to prosecute graft and corruption among civilian, government, and military officials that assist drug production and smuggling.

And, finally, passage of asset forfeiture laws which enable the confiscation of property derived through narcotics trafficking or fraudulent use of the loan guarantee funds.

Without tangible evidence that Mexico is willing to work toward these goals, I am prepared to support the strong steps I have outlined.

Mr. President, earlier Senator D'AMATO and I, at a press conference, indicated our joint action to press forward with these bills. Mr. D'AMATO indicated that his Banking Committee would be holding hearings on these bills in March. We earnestly and sincerely invite other Members on both sides of the aisle to cosponsor this legislation.

Mr. President, I have seen firsthand a major tunnel under the Mexican border that goes from a warehouse in Mexico,

to a warehouse on the California side, that was air-conditioned and electrified to facilitate the smuggling of drugs from one country to another.

Mr. President, not too long ago in Rialto, CA, San Bernardino county, an arrest was made with the seizure of 4.5 tons—4.5 tons of cocaine. That amount of cocaine did not come across the border in backpacks.

Mr. President, I have been to the border. I have seen trucks going back and forth with very little or no inspection in the line-release program. For the past year, I have advocated a tightening of that program.

Now, under NAFTA, an even greater number of trucks would be able to cross the border with no inspection. What is the guarantee, when we know there is up to 100 tons of cocaine stored on the other side of the border awaiting transfer across this border, that it will not come in these trucks?

In every city, whether it is New York City, whether it is Los Angeles, or whether it is San Francisco, we have all seen people dying in the streets from drugs and drug deals gone awry. We have all seen the evolution of gangs around the trafficking of narcotics. We have all seen the street prices of cocaine drop and the problem get worse. We have seen the major spread of methamphetamine labs throughout the largest State in the Union, California.

The time has come to say, Enough is enough. To the Government of Mexico, close ally of the United States, we say "This is \$20 billion in loan guarantees plus other guarantees from the Monetary Fund—you must work hand in hand with us." We must stop the 727 cargo jets from landing on Mexican soil, from offloading drugs which then disappear before onloading United States currency for transport back to Colombia.

We must see that cartel leaders are extradited, that American extradition requests are honored, and that there are effective laws on the books to preclude money laundering in Mexico. In general, we must see that there is vigorous enforcement in Mexico to abate and stop the large flow of chemicals, cocaine and other contraband substances into the United States.

Mr. President, I ask unanimous consent that the following letters be printed in the RECORD: One letter signed by Senator D'AMATO and myself, dated January 26, to the Secretary of State urging denial of certification; a letter sent by myself on December 6 to Ambassador Kantor pointing out problems in cargo trucks coming from Mexico; another letter to Ambassador Kantor, Secretary of State Christopher, Secretary of Treasury Rubin, and Attorney General Reno addressing continuing problems with drug enforcement that are presented by Mexico.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

U.S. SENATE,

Washington, DC, January 26, 1996.

Hon. WARREN M. CHRISTOPHER,
Secretary, Department of State, Washington,
DC.

DEAR MR. SECRETARY: We are writing to urge you to advise the President to deny certification that Mexico has taken sufficient actions to combat international narcotics trafficking when he reports to Congress on the anti-narcotics efforts of major drug producing and drug-transit countries on March 1, 1996.

As you know, Mexico is one of the most significant drug producing and drug transit countries in the world, and the bulk of the drugs moving through Mexico end up in the United States, particularly in the state of California. The Drug Enforcement Agency estimates that at least 75 percent of all cocaine available in the United States originates in Mexico. Further estimates are that 70 to 80 percent of all foreign-grown marijuana in the United States originates in Mexico. It is well known that Colombian drug cartels are using Mexico as a base from which to transport narcotics into the United States. We have been told that Colombian cartels may store as much as 70 to 100 tons of cocaine in Mexico at any one time to await smuggling into the United States.

These problems are bad enough, but they are made worse by the Mexican government's failure to take serious actions to address them. There has not been enough of a serious effort to break up the drug cartels that operate with virtual impunity in Mexico, or to arrest and extradite the drug lords who run them. The recent arrest and deportation of Juan Garcia Abrego is a positive development, but it contrasts sharply with the actions of the Mexican authorities in many other cases. To cite just two examples, the leaders of two of the most powerful cartels in Mexico—Amado Carillo-Fuentes of the Chihuahua Cartel, and the Arellano-Felix brothers of the Tijuana Cartel—are reported to be regularly seen in public with no fear of arrest.

In addition, Mexico has become a haven for laundering drug money, which is one of the most important aspects of the cartels' operations. Mexican laws regarding money laundering are inadequate, and banks and money exchange houses in Mexico do not have the same reporting requirements for large transactions as they do in the United States. Thousands of exchange houses are openly flouting what little oversight the Mexican government conducts, and millions of dollars are flowing to Colombia via money orders and wire transfers.

Finally, drug-influenced corruption continues unabated within Mexican law enforcement agencies and the government itself. One former cartel leader told U.S. prosecutors that up to \$50 million a month is used to bribe corrupt Mexican officials to ignore, or even facilitate, drug-trafficking activities. Drug money has clearly corrupted officials at every level of Mexico's government and law enforcement community, and—the investigations of the brother of former President Carlos Salinas de Gortari notwithstanding—President Zedillo's government is not taking sufficient action to root out this corruption.

In light of these facts, we are sure you will agree that Mexico is not deserving of certification as cooperating with U.S. and international narcotics efforts when the President issues his report pursuant to section 409A of the Foreign Assistance Act. Furthermore, we do not believe that any vital national interest warrants granting Mexico a waiver from decertification. The illegal drugs that flow into the United States from Mexico are tearing at our very culture, and as such they themselves represent a funda-

mental threat to our vital national interests. In contrast, the vital national interests of the United States do not require us to provide assistance to Mexico or to vote for multilateral development bank assistance to Mexico, the two areas that would be affected by Mexico's failure to be certified.

Thank you for your consideration of this extremely important matter. We look forward to your early reply.

Sincerely,

DIANNE FEINSTEIN,
U.S. Senator.
ALFONSE D'AMATO,
U.S. Senator.

U.S. SENATE,

Washington, DC, December 6, 1996.

Hon. MICHAEL KANTOR,
Ambassador, Washington, DC.

DEAR AMBASSADOR KANTOR: I am writing to express my strong opposition to the planned December 17 implementation of the proposal to dramatically increase the number of cargo trucks from Mexico with direct access to delivery points in the United States, under the North American Free Trade Agreement. This opposition is based on two very serious concerns: first, that inadequate provision has been made to ensure that this will not result in increased drug smuggling across the southwest border; and, second, that this will adversely impact the safety of California's highways.

It is my understanding that, beginning on December 17, under NAFTA, cargo trucks crossing the border from Mexico will no longer be restricted to delivery points within a limited commercial zone along the U.S.-Mexico border, but will be permitted to ship freight from origination points in Mexico directly to delivery points throughout California, Arizona, New Mexico and Texas. Estimates are that broader access will increase land shipments across the U.S.-Mexico border to approximately 6 million truckloads annually by the year 2001.

DRUG SMUGGLING

My concerns with respect to drug smuggling are two fold. First, that our infrastructure to interdict drugs may not be able to keep pace with our efforts to facilitate increased trade and commerce across our land borders. And second, as trade and commerce barriers are reduced between Mexico and the United States, our drug abatement efforts will become increasingly dependent upon the enforcement efforts of our Mexican counterparts.

In a memorandum sent to me by Treasury Secretary Rubin last March, his office noted that the number of arriving trucks from Mexico increased last year at a faster rate than the rate of truck inspections, resulting in a decrease in the percentage of trucks being examined for drugs. Although he declined to assume that the increasing cargo volume automatically means an increase in contraband, he recognized that the increase in cargo volume provides a window of opportunity for smugglers.

In fact, in spite of (or perhaps because of) the reported success of a number of drug interdiction programs responding to changes in drug trafficking patterns, including the Customs Air Program and Border Patrol's Operation Hold the Line, Secretary Rubin noted that the next logical step for smugglers is to try to exploit the huge cargo volume crossing the border each day.

I concur with the assessment that drug smugglers will take advantage of any relaxation of travel barriers between the U.S. and Mexico, and fear that this greater access for Mexican carriers under NAFTA will exacerbate what is already a serious problem with drug interdiction.

Specifically, my questions regarding implementation are: How will Customs procedures change to accommodate the increase in truck volume? How will this change impact the Line Release Program? Will companies go through any form of application process or background check, or will any truck from any company in Mexico be given unlimited access to U.S. delivery points in these border states? What is the process for licensing individual drivers from the companies shipping cargo? Will the individual drivers undergo background checks?

According to officials from the Department of Justice, cocaine smuggled across the California border with Mexico accounts for at least 70 percent of the drug sent over the entire Southwest border, so California has an enormous interest in ensuring that drug interdiction efforts remain a paramount concern as NAFTA is implemented.

Another emerging drug threat in the United States, particularly in California, is the explosive increase in methamphetamine production and trafficking. California has become the production capitol of the nation for this dangerous drug, and the major source of methamphetamine and the precursor chemicals to produce this drug are the Mexican drug cartels.

Mexican traffickers have established international connections for supplies of ephedrine and pseudoephedrine key precursor chemicals for methamphetamine which are controlled in the United States but not in Mexico. Shipments of these and other precursor chemicals are sent to Mexico from around the world and then smuggled into the United States to literally hundreds of clandestine laboratories in California for production.

Methamphetamine is fast becoming the crack epidemic of the 1990s, and law enforcement is already unable to keep up with the problem. A greater volume of uninspected trucks and relaxed trade barriers can only make this problem worse.

Secondly, I am also worried about increasing our reliance on Mexico to stop the probable increased flow of drugs across our border. As I have spelled out in a separate letter to you, I am gravely concerned about the adequacy of Mexican efforts to restrict drug trafficking and the alarming level of drug-influenced corruption within Mexican law enforcement agencies and the government itself. This most certainly impacts our efforts at drug abatement in the United States. The news report this last week of a passenger plane loaded with cocaine landing in Baja California Sur with the possible cooperation of Mexican Federal Police is a shocking reminder that our efforts to stop the flood of drugs on American streets are only as strong as our weakest link.

I respect the efforts the Clinton Administration has made to reduce the flow of drugs into the United States and I know you share my concerns about maintaining the integrity of our drug interdiction efforts. I support increased trade and commerce with Mexico, but only to the extent that efforts to curtail the epidemic of drug use in our own country are not diminished, and to the extent that Mexico is cooperating fully with our efforts.

HIGHWAY SAFETY

I also want to express my strong concern about the safety implications of allowing large trucks from Mexico access to California's roads.

HAZARDOUS MATERIALS

The Attorney General of Texas, Dan Morales—who supports NAFTA—reports that more than a fourth of the approximately 5,000 Mexican trucks which cross into Texas every day carry: corrosives; chemicals; explosives; jet fuel; and pesticides.

This week's issue of Time magazine reports that in the past few months, several Mexican trucks in the U.S. have exploded or leaked toxins.

With such dangerous materials, and evidence of a poor record of truck safety in the United States, I fear that this problem will escalate dramatically with the expansion of Mexican truck traffic.

BRAKES

Another major area of concern is Mexico's request that the Administration ease its requirements on front brakes. According to the California Highway Patrol, in 1994 there were 45 accidents involving large trucks for which faulty brakes were found to be the cause. In these accidents, 77 people were injured and there was one fatality. There has been a steady decline over the past ten years of accidents involving large trucks, and I have grave concerns that the increase in Mexican trucks on California's freeways and roads will increase this number.

DRIVERS HOURS

As you know, truckers in the United States are limited to ten hours of driving time. In Mexico, however, there is no limit to the number of hours a driver may be behind the wheel. Again, according to the California Highway Patrol, there were 108 accidents in California involving a large truck where the driver simply fell asleep. These accidents were responsible for killing six and injuring 148.

I am very concerned about the adequacy of truck safety inspection at the border. I fear that U.S. Customs Service agents, who already have their hands full inspecting vehicles for drugs and trade treaty compliance features, are simply not going to have the time or technical expertise to conduct thorough safety inspections on trucks coming from Mexico.

On behalf of the people of California, I urge your personal attention to these issues.

Thank you for your anticipated assistance.
Sincerely,

DIANNE FEINSTEIN,
U.S. Senator.

U.S. SENATE,

Washington, DC, December 6, 1996.

Hon. MICHAEL KANTOR,
Ambassador,
Washington, DC.

DEAR AMBASSADOR KANTOR: I am writing to request that you, along with Secretary of State Christopher, Secretary of the Treasury Rubin, and Attorney General Reno, address a continuing problem which is vexing our country, and my state in particular—the grossly inadequate drug enforcement “effort” by Mexico.

Just last week, separate published reports demonstrated the alarming, dramatic scale of this problem.

The Los Angeles Times reported on the continuing investigation of Raul Salinas de Gortari, older brother of Mexico's former President, Carlos Salinas de Gortari—an investigation which continues to yield appalling information about the extent of drug-influenced corruption in Mexico. The investigation is demonstrating that: The Mexican drug lords have become partners with the Colombian cartels; these cartels supply up to three-fourths of the cocaine in the United States, according to U.S. officials; Raul Salinas de Gortari was closely associated with the most powerful drug lord, Juan Garcia Abrego; Raul Salinas de Gortari served as an intermediary between the drug cartels and Mexico's political and economic elite; Garcia Abrego and Raul Salinas de Gortari used their respective fields of influence to protect each other from law enforcement; Raul Salinas de Gortari profited handsomely from this

relationship, with Mexican officials estimating that he may have stockpiled up to \$250 million in foreign bank accounts and other investments; and perhaps worst of all, this web of corruption and protection may have extended even to Raul's brother, President Carlos Salinas de Gortari.

This investigation was made public in Mexico last week, prompting the unprecedented step of a unanimous vote by members of all parties in Mexico's House of Deputies to establish a congressional commission to investigate Raul Salinas de Gortari and the sources of his wealth.

Coupled with other evidence of drug corruption in Mexico, much of which was laid out at a Senate Foreign Relations Committee hearing this August, I am afraid that Mexico is in serious jeopardy of becoming a drug-dominated narco-democracy.

The New York Times, meanwhile, also reported last week that an entire passenger jet loaded with tons of cocaine landed in a dry lake bed in Baja California Sur on Saturday. Local fishermen saw the cocaine unloaded by 20 men wearing black Mexican Federal Police uniforms. These men arrived in a convoy of four-wheel-drive vehicles. After unloading the plane, they set about trying to destroy it, by dismantling it, attempting to blow it up with explosive powder, and finally bulldozing over it with desert sand.

Despite widespread reports of Mexican police involvement with allowing or even conducting drug smuggling, state police who arrived on the scene allowed themselves to be talked out of taking action by the uniformed men—demonstrating that the state police were either duped, incredibly inattentive and lacking in vigilance, or corrupt themselves.

It comes as no surprise that investigators have traced the airplane's serial numbers back to Colombia's Cali cartel. As for the tons of drugs that were unloaded from the plane, the newspaper reported that they have not been recovered. I would appreciate your investigating and reporting to me what happened to these drugs, and to the plane.

For your convenience, I have attached copies of these articles. What is especially dismaying is that there is nothing new about airplanes loaded with multi-million dollar shipments of cocaine flying from Colombia to Mexico. At a Senate Judiciary Committee hearing in February, 1995, Drug Enforcement Administration Director Constantine told me about 727s flying 10 to 20 tons of cocaine at a time into Mexico, and returning to Colombia with 20 to 30 million dollars of U.S. currency.

At the Senate Foreign Relations Committee hearing in August, we discussed this again. At that point, Ambassador Gelbard interjected, “based on an order from President Zedillo, he has mobilized the Mexican Air Force to intercept any such flights that do occur.” And yet, we see now that the flights do continue.

Frankly, I am astounded and disgusted that the Mexican government is unable or unwilling to stop massive cargo flights, or incidents such as this latest one, involving an airplane, heavy vehicles, explosives, bulldozers, and police officers who turn the other way.

It is no secret where these drugs are going: straight into my State of California. At the February hearing, Director Constantine confirmed that California has replaced Florida as the major point of importation of cocaine into America. He further stated that 75% of the cocaine in the United States enters through the Southwest border from Mexico.

Mr. Ambassador, I ask that you, together with Secretary of State Christopher, Secretary of the Treasury Rubin, and Attorney General Reno, really take a good, hard look at what specifically can be done to compel

Mexico to achieve a higher level of cooperation and enforcement against drugs.

The United States provides Mexico with a great deal of assistance—such as the \$20 billion loan guarantee earlier this year. Yet this assistance seems to go to a country that is utterly ineffective at stopping the infliction of the scourge of drug trafficking on my state and our country—or, worse, corruptly facilitates it. If Mexico will not summon the will to help us in this effort, perhaps it is time for us to reconsider our assistance to them.

On behalf of the people of California, I urge your personal attention to this issue.

Thank you for your anticipated assistance.

Sincerely,

DIANNE FEINSTEIN,
U.S. Senator.

Mrs. FEINSTEIN. I thank the Chair.

Mr. President, I ask unanimous consent that Senator INHOFE be added as a cosponsor to the bills and the resolution I have just sent to the desk.

The PRESIDING OFFICER. Without objection, it is so ordered.

● Mr. D'AMATO. Mr. President, the Mexican economic meltdown is over a year old and no one—not the Mexican people and certainly not the American taxpayers—have seen any signs of improvement or relief. Last year, the Clinton administration rushed in to bail out the Mexican Government with an ill-conceived, and legally tenuous, financial assistance package that spent billions of taxpayer dollars. The time has come to stop this financial hemorrhage.

Since February 21, 1995, when the administration signed its Financial Assistance Agreement with Mexico, I have been saying that the Clinton bailout was an ill-conceived disaster. It is not just my opinion, it is the cold hard facts. You only need to look at the Mexican economic indicators, including 50-percent interest rates and staggering inflation, and the suffering of the Mexican people to realize that the plan is not working. Mexico's real economy is still in shambles; record numbers of Mexicans are out of work, interest rates are soaring, the people are starving, and the country is reeling under increasing social and political unrest. Christopher Whalen, writing in the January 21, 1996, edition of the Washington Post, stated “As in the 1970's, the Mexicans are again addicted to the debt that we have been spoon-feeding them, and they still can't pay it back.”

Mr. President, the only people who have benefited from the Clinton bailout are the global investors, the currency speculators, Mexican business leaders, and high paid advisers retained by the Mexican Government. The Mexican bailout was doomed to disaster from the very beginning.

Congress rejected Clinton's bailout scheme last year, despite the administration's doomsday predictions of an international financial crisis and waves of illegal immigration. The global financial crisis never materialized but hordes of illegal immigrants are still crossing our borders in an attempt to

escape their desperate living conditions. Their hardships are a direct result of inept Mexican economic policies and the harsh austerity measures the Clinton administration imposed upon the Mexican people as part of the bailout.

Mr. President, Mexico has received over \$25 billion and it has not solved anything. The Clinton administration bypassed Congress and sent billions of hard-earned American taxpayer dollars to a country reeling under narco-corruption and failed economic policies. Mexico's downward spiral is accelerating and the fallout is only beginning.

According to the terms of the Financial Assistance Agreement between the administration and Mexico—Article 3, section 7—the agreement expires after 1 year, on February 21, 1996, and it may be extended by the Secretary of Treasury for another 6 months. Secretary Rubin has indicated that the Treasury Department intends to extend the bailout for another 6 months so now is the time for Congress to act.

Mr. President, my colleague and friend, Senator FEINSTEIN and I, are cosponsoring this bill which would place strong conditions on the administration to stop them from wasting more taxpayer dollars on the Mexican bailout, by preventing an extension of the Assistance Agreement, and stopping any additional rollovers of the money already owed to the United States, as of the first of this year.

At the very least, if the President decides to continue squandering any more of the remaining \$10.5 billion of U.S. taxpayer money already committed to Mexico, he should be required to certify that Mexico is doing all that it can to stop the massive flow of narcotics into our country. This should not be a simple certification—it should be tough and thorough. This bill will require Mexico to take strong action to fight the drug lords and narcotics kings who are becoming multimillionaires by importing drugs into our country.

Our bill sets several pertinent conditions regarding the enormous amounts of drugs Mexico is sending to this country every day. In our bill, the President must certify that Mexico has satisfied each of these conditions before sending any more taxpayer money to Mexico. The Congress already passed a certification requirement related to the Mexican bailout last year in the Mexican Debt Disclosure Act, which required the President to certify normal business standards were being imposed on the loans and money sent to Mexico.

A few key facts on the severity of the drug problem with Mexico vividly illustrate the need for immediate action:

The Drug Enforcement Administration [DEA] estimates that over 70 percent of the cocaine in the United States crosses the United States-Mexico border. Using Mexico as storage for the cocaine, the Colombian drug organizations may be holding cocaine with a street value of up to \$1 billion.

According to the DEA, virtually all of the heroin produced in Mexico is trafficked in the United States.

The DEA also reports that more than 50 percent of the marijuana found in the United States came from Mexico, either cultivated there or transshipped through Mexico from other localities.

It appears that trafficking gangs in Mexico are also involved in all aspects of the methamphetamine trade: producing, trafficking, and distributing it as well as the chemicals used to manufacture the methamphetamines. Law enforcement officials have noticed an increase in its availability in the United States.

The recent arrest of Juan Garcia Abrego, described as an international drug kingpin and said to have headed a billion-dollar drug empire, may hold the key to understanding just how big the Mexican drug organizations are and the volume of drugs they traffick into the United States. The information that he provides to U.S. law enforcement is a glimpse into the underground world of international drug trafficking. His arrest is merely the tip of the iceberg.

Currently, the Colombian cartel and the drug trafficking gangs in Mexico are working in partnership to deliver and distribute multitonns of narcotics into the United States. However, Assistant Secretary of State Robert Gelbard told the Senate Foreign Relations Committee that, with the arrest of leaders of the Columbian Cali cartel, Mexican drug trafficking gangs may be able to actively traffick these drugs themselves.

No doubt, there will be an increase in the availability of narcotics as a direct result of the Mexican drug gangs' interest in narcotics distribution, and the ease with which they can transport it into the United States.

Mr. President, this bill is an important first step in addressing two very serious problems affecting the American people. This bill will force the Clinton administration and the Mexican Government to make real and substantial efforts to halt the flow of illegal drugs into our country. The bill also sends notice to the administration that the Congress, and the American people, are tired of having hard-earned taxpayer dollars squandered. I urge my colleagues to support this bipartisan effort.●

ADDITIONAL COSPONSORS

S. 10

At the request of Mr. LAUTENBERG, his name was added as a cosponsor of S. 10, a bill to make certain laws applicable to the legislative branch of the Federal Government, to reform lobbying registration and disclosure requirements, to amend the gift rules of the Senate and the House of Representatives, and to reform the Federal election laws applicable to the Congress.

S. 837

At the request of Mr. WARNER, the name of the Senator from New Mexico

[Mr. DOMENICI] was added as a cosponsor of S. 837, a bill to require the Secretary of the Treasury to mint coins in commemoration of the 250th anniversary of the birth of James Madison.

S. 990

At the request of Mr. DOLE, the name of the Senator from Oregon [Mr. HATFIELD] was added as a cosponsor of S. 990, a bill to expand the availability of qualified organizations for frail elderly community projects (Program of All-inclusive Care for the Elderly (PACE)), to allow such organizations, following a trial period, to become eligible to be providers under applicable titles of the Social Security Act, and for other purposes.

S. 1028

At the request of Mrs. KASSEBAUM, the name of the Senator from Indiana [Mr. LUGAR] was added as a cosponsor of S. 1028, a bill to provide increased access to health care benefits, to provide increased portability of health care benefits, to provide increased security of health care benefits, to increase the purchasing power of individuals and small employers, and for other purposes.

S. 1334

At the request of Mr. FRIST, the names of the Senator from North Carolina [Mr. HELMS] and the Senator from Idaho [Mr. CRAIG] were added as cosponsors of S. 1334, a bill to amend chapter 28 of title 35, United States Code, to provide for noninfringing uses of patents on medical and surgical procedures.

S. 1379

At the request of Mr. CRAIG, his name was added as a cosponsor of S. 1379, a bill to make technical amendments to the Fair Debt Collection Practices Act, and for other purposes.

S. 1392

At the request of Mr. BAUCUS, the names of the Senator from Alabama [Mr. SHELBY] and the Senator from Mississippi [Mr. COCHRAN] were added as cosponsors of S. 1392, a bill to impose temporarily a 25 percent duty on imports of certain Canadian wood and lumber products, to require the administering authority to initiate an investigation under title VII of the Tariff Act of 1930 with respect to such products, and for other purposes.

S. 1541

At the request of Mr. LUGAR, the names of the Senator from Washington [Mr. GORTON], the Senator from Texas [Mr. GRAMM], the Senator from Virginia [Mr. WARNER], the Senator from Kansas [Mrs. KASSEBAUM], the Senator from Florida [Mr. MACK], the Senator from Texas [Mrs. HUTCHISON], and the Senator from Mississippi [Mr. LOTT] were added as cosponsors of S. 1541, a bill to extend, reform, and improve agricultural commodity, trade, conservation, and other programs, and for other purposes.

SENATE RESOLUTION 85

At the request of Mr. CHAFEE, the name of the Senator from Connecticut

[Mr. LIEBERMAN] was added as a co-sponsor of Senate Resolution 85, a resolution to express the sense of the Senate that obstetrician-gynecologists should be included in Federal laws relating to the provision of health care.

SENATE CONCURRENT RESOLUTION 40—TO COMMEMORATE THE SESQUICENTENNIAL OF TEXAS STATEHOOD

Mrs. HUTCHINSON (for herself and Mr. GRAMM) submitted the following resolution; which was considered and agreed to:

S. CON. RES. 40

Whereas 1995 marks 150 years since the United States of America admitted Texas as the 28th State of the Union;

Whereas the sesquicentennial of Texas statehood is a truly momentous occasion that allows all Texans to reflect on their State's proud heritage and bright future;

Whereas acting on the advice of President John Tyler, the United States Congress adopted a joint resolution on February 28, 1845, inviting the Republic of Texas to enter the Union as a State with full retention of its public lands; today, a century and half later, Texas enjoys the distinction of being the only State admitted with such extensive rights;

Whereas the citizens of the Republic of Texas were deeply committed to the goals and ideals embodied in the United States Constitution, and, on June 16, 1845, the Congress of the Republic of Texas was convened by President Anson Jones to consider the proposal of statehood;

Whereas Texas took advantage of the offer, choosing to unite with a large and prosperous Nation that could more effectively defend the borders of Texas and expand its flourishing trade with European countries; by October 1845, the Congress of the Republic of Texas had approved a State constitution, charting a bold new destiny for the Lone Star State;

Whereas the proposed State constitution was sent to Washington, D.C., and on December 29, 1845, the United States of America formally welcomed Texas as a new State; the transfer of governmental authority, however, was not complete until February 19, 1846, when Anson Jones lowered the flag that had flown above the Capitol for nearly 10 years and stepped down from his position as president of the Republic of Texas; and

Whereas with the poignant retirement of the flag of the Republic, Texas emerged as a blazing Lone Star in America's firmament, taking its place as the 28th State admitted into the Union; Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That the Congress—

(1) commemorate the sesquicentennial of Texas statehood; and

(2) encourage all Texans to observe such day with appropriate ceremonies and activities on this historic occasion.

The Secretary of the Senate shall transmit a copy of this resolution to the Texas Congressional Delegation, to the Governor of Texas, to the National Archives, and to the Texas Archives.

SENATE RESOLUTION 217—TO DESIGNATE THE FIRST FRIDAY IN MAY 1996 AS "AMERICAN FOREIGN SERVICE DAY"

Mrs. KASSEBAUM submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 217

Whereas the American Foreign Service was established in 1924 and some 11,600 men and women now serve with the foreign affairs agencies of the United States at home and abroad;

Whereas the diplomatic, consular, communications, trade, development, and numerous other functions these men and women perform constitute the first and most cost-effective line of defense of our Nation by protecting and promoting United States interests abroad;

Whereas the men and women of the American Foreign Service are increasingly exposed to risks and danger to themselves and their families, even in times of peace, and many have died in the service of their country;

Whereas in this uncertain post-Cold War era, an ever-vigilant American Foreign Service remains essential to the strategic, political, and economic well-being of this Nation by strengthening the United States' relations with other countries and promoting a safer, more peaceful world;

Whereas the United States Government's foreign affairs agencies and the American Foreign Service Association have observed Foreign Service Day on the first Friday in May for many years; and

Whereas it is both appropriate and just for the country as a whole to recognize the dedication of the men and women of the American Foreign Service and to honor those who have given their lives in the loyal pursuit of their duties and responsibilities representing the interests of the United States of America and of its citizens: Now, therefore, be it

Resolved, That the Senate—

(1) commend the men and women who have served or are presently serving in the American Foreign Service for their dedicated and important service to country;

(2) honor those in the American Foreign Service who have given their lives in the line of duty; and

(3) designate the first Friday in May 1996 as "American Foreign Service Day".

The President is authorized and requested to issue a proclamation calling upon the people of the United States and the Federal, State, and local administrators to observe the day with the appropriate programs, ceremonies, and activities.

Mrs. KASSEBAUM. Mr. President, today I am submitting legislation to acknowledge the important work and great sacrifice of the men and women of the American Foreign Service. By passing this resolution, the Senate will commend these dedicated public servants for their important service to our country, honor those killed in the line of duty, and seek broader recognition this year of American Foreign Service Day.

For many years, the U.S. Government's foreign affairs agencies and the American Foreign Service Association have jointly sponsored a Foreign Service Day observance during which new names are added to the memorial plaque in the Department of State honoring those "who have died under heroic or inspirational circumstances" while serving our country abroad. This ceremony has been held within the walls of the State Department. This year, I believe that we as a Nation should join in this observance, just as we join together to honor our military personnel on Armed Forces Day and Veterans Day.

The memorial plaque contains the names of 171 brave Americans who have died in service to our country at posts abroad. I ask unanimous consent that a list of these names be printed in the RECORD. Later this year, the names of the three American negotiators who were killed last fall in search of peace in Bosnia will be added to that plaque. All of us were deeply moved by the tragic sacrifice of Ambassador Robert Frasure, Assistant Secretary of Defense Joseph J. Kruzell, and Col. S. Nelson Drew.

We have many debates in this body that involve the American Foreign Service. In the past year, we have debated its structure, we have reduced its funding, we have seen Foreign Service officers unpaid or kept from work because of partial Government shut-downs, and we have been slow to act on many Foreign Service nominees. Each of these actions has its own purpose, but I worry that the cumulative effect may well be to send a signal to our Foreign Service officers that the U.S. Senate doubts the importance of their work. Nothing could be further from the truth. With this legislation, I hope the Senate will send a clear message that, whatever our views on the difficult policy matters that affect America's overseas presence, we all stand firmly behind the important work of America's dedicated Foreign Service officers, and we recognize the undeniable importance of their work.

In the coming year, I hope to explore steps we may take to strengthen our Foreign Service. I believe we need to act to ensure that we are recruiting and retaining the very best people that our country has to offer, and I hope to work with the Foreign Service community and my colleagues to identify ways in which the Senate can help. For many people around the world, the men and women of the American Foreign Service are the faces of America.

I, for one, believe America owes these men and women a debt of gratitude.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

AMERICANS WHO HAVE LOST THEIR LIVES UNDER HEROIC OR OTHER INSPIRATIONAL CIRCUMSTANCES WHILE SERVING THE U.S. GOVERNMENT AND THE AMERICAN PEOPLE ABROAD IN FOREIGN AFFAIRS

(Names are listed not chronologically but as placed on State Department memorial plaques)

William Palfrey: Lost at sea, 1780.
 Joel Barlow: Exposure, Zarnowice, 1812.
 Richard C. Anderson: Yellow Fever, Cartagena, Colombia, 1823.
 Nathaniel G. Ingraham, Jr.: Fever, Tampico, Mexico, 1824.
 Harris E. Fudger: Murdered, Bogota, Colombia, 1825.
 James A. Holden: Lost at sea, 1827.
 John S. Meircken: Lost at sea, 1832.
 William Shaler: Cholera, Havana, Cuba, 1833.
 William S. Sparks: Cholera, Venice, Italy, 1849.
 Thomas T. Turner: Epidemic, Bahia, 1849.
 Thomas I. Morgan: Yellow fever, Rio De Janeiro, 1850.

- Hardy M. Burton: Yellow fever, St. Thomas, 1852.
- George R. Dwyer: Coast fever, Mozambique, 1854.
- Beverly L. Clarke: Tropical fever, Guatemala, 1860.
- Isaac S. McMicken: Yellow fever, Acapulco, Mexico, 1860.
- George True: Smallpox, Funchal, 1862.
- Edward W. Gardner: Lost at sea, 1863.
- Charles G. Hannah: Yellow fever, Demerara, 1864.
- Abraham Hanson: African fever, Monrovia, Liberia, 1866.
- Hiram R. Hawkins: Epidemic, Tumbez, Peru, 1866.
- Allen A. Hall: Epidemic, La Paz, Bolivia, 1867.
- H.E. Peck: Yellow fever, Haiti, 1867.
- James Wilson: Yellow fever, Venezuela, 1867.
- James H. McColley: Yellow fever, Callao, 1869.
- William Stedman: Yellow fever, Santiago, Cuba, 1869.
- Charles E. Perry: Epidemic, Aspinwall, Colombia, 1872.
- Thomas Biddle: Epidemic, Guayaquil, 1875.
- John F. Flint: Drowned saving life, La Union, El Salvador, 1875.
- Philip Clayton: Yellow fever, Callao, 1877.
- Henry H. Garnet: African fever, Monrovia, 1882.
- Jesse H. Moore: Yellow fever, Callao, 1883.
- David T. Bunker: Yellow fever, Demerara, 1888.
- Victor F.W. Stanwood: Murdered, Madagascar, 1888.
- William D. McCoy: Fever, Monrovia, Liberia, 1893.
- John R. Meade: Yellow fever, Santo Domingo, 1894.
- Alexander L. Pollock: Yellow fever, San Salvador, 1894.
- Frederick Munchmeyer: Yellow fever, San Salvador, 1895.
- John B. Gorman: Malignant malaria, Matamoros, Mexico, 1896.
- Albert S. Willis: Malaria, Honolulu, Hawaii, 1897.
- Rounseville Wildman: Lost at sea, 1901.
- Thomas T. Prentis: Volcanic eruption, Martinique, 1902.
- Amedee Testart: Volcanic eruption, Martinique, 1902.
- Thomas Nast: Yellow fever, Guayaquil, 1902.
- William F. Havemeyer: Cholera, Bassorah, Turkey, 1904.
- Philip Carroll: Fever, Manzanillo, Mexico, 1906.
- Benjamin H. Ridgely: Exhaustion, Mexico City, 1908.
- Arthur A. Cheney: Earthquake, Messina, 1908.
- John W. Gourley: Smallpox, Ciudad Juarez, Mexico, 1910.
- Theodore C. Hamm: Smallpox, Durango, Mexico, 1914.
- Robert N. McNeely: Lost at sea, 1915.
- Charles P. McKiernan: Smallpox, Chungkiang, China, 1916.
- Charles F. Brissel: Cholera, Baghdad, 1916.
- Alfred L.M. Gottschalk: Lost at sea, 1918.
- Maddin Summers: Exhaustion, Moscow, 1918.
- John D. O'Rear: Smallpox, La Paz, Bolivia, 1918.
- Luther K. Zabriskie: Smallpox, Aguas Calientes, Mexico, 1921.
- Carl R. Loop: Saving life, Catania, 1923.
- Max D. Kirjassof: Earthquake, Yokohama, Japan, 1923.
- Paul E. Jenks: Earthquake, Yokohama, Japan, 1923.
- Clarence C. Woolard: Epidemic, Cape Haitien, Haiti, 1923.
- Robert W. Imbrie: Murdered, Teheran, Persia, 1924.
- William T. Francis: Yellow fever, Liberia, 1929.
- William I. Jackson: Drowned attempting to save life, Matanzas, Cuba, 1930.
- John T. Wainwright: Drowned attempting to save life, Matanzas, Cuba, 1930.
- G. Russell Taggart: Hurricane, Belize, British Honduras, 1931.
- J. Theodore Marriner: Murdered, Beirut, Syria, 1937.
- John M. Slaughter: Earthquake, Guayaquil, 1942.
- Thomas C. Wasson: Shot by sniper, Jerusalem, 1948.
- Douglas S. Mackieman: Killed by gunfire, Tibet, 1950.
- Robert Lee Mikels: Burned attempting to save life, Pusan, Korea, 1951.
- David LeBreton, Jr.: Drowned saving lives, Tunis, 1953.
- William P. Boteler: Killed by grenade, Nicosia, Cyprus, 1956.
- Robert A. McKinnon: Tropical disease, Ouagadougou, 1961.
- Barbara A. Robbins: Killed in bombing of Embassy, Saigon, Vietnam, 1965.
- Joseph W. Grainger: Murdered, Vietnam, 1965.
- Joseph R. Rupley: Killed by gunfire, Caracas, Venezuela, 1965.
- Dolph B. Owens: Vietnam, 1960.
- Jack J. Wells: Vietnam, 1965.
- Norman L. Clowers: Vietnam, 1966.
- William D. Smith III: Vietnam, 1966.
- Don M. Sjostrom: Laos, 1967.
- John R. McLean: Laos, 1967.
- Robert K. Franzblau: Vietnam, 1967.
- Dwight Hall Owen, Jr.: Vietnam, 1967.
- Carroll H. Pender: Vietnam, 1967.
- Frederick J. Abramson: Vietnam, 1968.
- Thomas M. Gompertz: Vietnam, 1968.
- John T. McCarthy: Vietnam, 1968.
- Kermit J. Krause: Vietnam, 1968.
- Jeffrey S. Lundstedt: Vietnam, 1968.
- Robert R. Little: Vietnam, 1968.
- Stephen H. Miller: Vietnam, 1968.
- Hugh C. Lobit: Vietnam, 1968.
- Richard A. Schenk: Vietnam, 1968.
- Michael Murphy: Vietnam, 1968.
- John Gordon Mein: Guatemala, 1968.
- George B. Gaines: Vietnam, 1969.
- Robert P. Perry: Jordan, 1970.
- Dan A. Mitriane: Uruguay, 1970.
- Cleo Allen Noel, Jr.: Sudan, 1973.
- George Curtis Moore: Sudan, 1973.
- Everett D. Reese: Vietnam, 1955.
- Thomas W. Ragsdale: Vietnam, 1967.
- Donald V. Freeman: Vietnam, 1967.
- Albert A. Farkas: Vietnam, 1968.
- Robert W. Brown, Jr.: Vietnam, 1968.
- Robert W. Hubbard: Vietnam, 1968.
- Joseph B. Smith: Vietnam, 1970.
- Rudolph Kaiser: Vietnam, 1972.
- John Paul Vann: Vietnam, 1972.
- John S. Patterson: Mexico, 1974.
- Rodger P. Davis: Cyprus, 1974.
- James C. Marshall: Vietnam, 1968.
- Steven A. Haukness: Vietnam, 1968.
- Charles W. Turberville: Cambodia, 1971.
- John Patrick Egan: Argentina, 1975.
- Charles McMahon: Vietnam, 1975.
- Darwin L. Judge: Vietnam, 1975.
- Francis E. Meloy, Jr.: Beirut, 1976.
- Robert O. Warning: Beirut, 1976.
- Adolph Dubs: Kabul, 1979.
- Steven J. Crowley: Islamabad, 1979.
- Bryan L. Ellis: Islamabad, 1979.
- Charles Robert Ray: Paris, 1982.
- Robert C. Ames: Beirut, 1983.
- Thomas R. Blacka: Beirut, 1983.
- Phyllis N. Faraci: Beirut, 1983.
- Terry L. Gilden: Beirut, 1983.
- Kenneth E. Haas: Beirut, 1983.
- Deborah M. Hixon: Beirut, 1983.
- Frank J. Johnston: Beirut, 1983.
- James F. Lewis: Beirut, 1983.
- Monique Lewis: Beirut, 1983.
- William R. McIntyre: Beirut, 1983.
- Robert V. McMaugh: Beirut, 1983.
- William R. Sheil: Beirut, 1983.
- Albert N. Votaw: Beirut, 1983.
- George Tsantos: Athens, 1983.
- Leamon R. Hunt: Rome, 1984.
- Kenneth G. Crabtree: Namibia, 1984.
- Dennis Whyte Keogh: Namibia, 1984.
- A. A. Schaufelberger III: San Salvador, 1983.
- Charles F. Soper: New Delhi, 1983.
- Michael Ray Wagner: Beirut, 1984.
- Kenneth V. Welch: Beirut, 1984.
- Charles F. Hegna: Tehran, 1984.
- William L. Stanford: Tehran, 1984.
- Enrique Camarena: Guadalajara, 1985.
- Vieginia Warfield: New Delhi, 1983.
- Bobby Joe Dickson: San Salvador, 1985.
- Thomas T. Handwork: San Salvador, 1985.
- Patrick R. Kwiatkowski: San Salvador, 1985.
- Gregory H. Weber: San Salvador, 1985.
- Laurence A. Steinhardt: Ottawa, 1950.
- William F. Buckley: Beirut, 1985.
- William E. Nordeen: Athens, 1988.
- Arnold L. Raphael: Pakistan, 1988.
- Herbert M. Wasson: Pakistan, 1988.
- Matthew K. Gannon: Scotland, 1988.
- Ronald A. Lariviere: Scotland, 1988.
- Daniel E. O'Conner: Scotland, 1988.
- James N. Rowe: Philippines, 1989.
- John A. Butler: Grenada, 1989.
- Gladys D. Gilbert: Ethiopia, 1989.
- Robert W. Woods: Ethiopia, 1989.
- Thomas J. Worrick: Ethiopia, 1989.
- Freddie R. Woodruff: Georgia, 1993.
- Barbara L. Schell: Iraq, 1994.
- Barry S. Castiglione: El Salvador, 1992.
- Gary C. Durell: Pakistan, 1995.
- Jacqueline K. Van: Landingham, Pakistan, 1995.

As of 1/25/96, there are 171 names listed.

SENATE RESOLUTION 218—EX-PRESSING THE SENSE OF THE SENATE RELATIVE TO MEXICO

Mrs. FEINSTEIN (for herself, Mr. D'AMATO, and Mr. INHOFE) submitted the following resolution; which was referred to the Committee on Foreign Relations:

S. RES. 218

Whereas Mexico is one of the most significant source countries for the transport of narcotic and psychotropic drugs and other controlled substances into the United States;

Whereas the Drug Enforcement Administration estimates that at least 75 percent of all cocaine available in the United States travels through Mexico;

Whereas various United States drug enforcement agencies have estimated that 70 percent to 80 percent of all foreign-grown marijuana in the United States originates in Mexico;

Whereas according to the United States Customs Service, 69.5 percent of the individuals arrested for drug smuggling at border stations in the United States are Mexican nationals;

Whereas the Drug Enforcement Administration has stated that drug smugglers have been flying airplanes into Mexico carrying 10 to 20 tons of cocaine per flight, which airplanes then return to Colombia carrying \$20,000,000 to \$30,000,000 of United States currency;

Whereas Mexico has failed to prevent or punish the laundering of drug-related profits or drug-related moneys in Mexico;

Whereas Mexico has failed to prevent or punish adequately bribery and other forms of public corruption which facilitate the production, processing, and shipment of narcotic and psychotropic drugs and other controlled substances into the United States or

which discourage the investigation and prosecution of such activities;

Whereas the continued, large-scale transportation of narcotic and psychotropic drugs and other controlled substances from Mexico into the United States is very detrimental to the vital interests of the United States;

Whereas not later than March 1, 1996, the President must determine and report to Congress pursuant to section 490A(b) of the Foreign Assistance Act of 1961 (22 U.S.C. 2291k(b)) whether Mexico has taken sufficient steps to combat international narcotics trafficking: Now, therefore, be it

Resolved, That the President should not make the following certifications pursuant to section 490A(b)(1) of the Foreign Assistance Act of 1961 (22 U.S.C. 2291k(b)(1)):

(1) That Mexico has cooperated fully with United States in controlling narcotic and psychotropic drugs and other controlled substances, and activities relating to such drugs and substances, as set forth in subparagraph (A) of that section.

(2) That vital national interests of the United States require United States assistance to Mexico or multilateral development bank assistance for Mexico.

ADDITIONAL STATEMENTS

RETIREMENT OF CONGRESSWOMAN BARBARA VUCANOVICH

• Mr. BRYAN. Mr. President, I rise today to honor Congresswoman BARBARA F. VUCANOVICH for her many years of public service, particularly in the House of Representatives. She has represented the State of Nevada's Second District for 14 years and is the first woman from Nevada elected to Federal office.

Representative VUCANOVICH has served in many leadership capacities during her time on Capitol Hill, including her current position as secretary of the House Republican Conference for the 104th Congress. She is a member of the House Appropriations Committee, and chairwoman of the Military Subcommittee. Congresswoman VUCANOVICH is also a member of the Subcommittee on the Interior, the Subcommittee on Veterans' Affairs, Housing and Urban Development, and Independent Agencies.

As members of the Nevada delegation, Congresswoman VUCANOVICH and I have worked together to prevent the practice of source taxation, which unfairly burdened the residents of our State. Representative VUCANOVICH has also been an ally in our fight to protect Nevada from becoming a high-level nuclear waste repository. She has been active in promoting travel and tourism to benefit Nevada's economy.

Representative VUCANOVICH demonstrated remarkable personal courage in her battle with cancer. She never permitted the disease to slow her down, never missing a congressional vote in the midst of her treatment. She has worked to help increase public awareness of this disease and how it may be detected and treated.

I am pleased to recognize Congresswoman BARBARA F. VUCANOVICH for her many years of public service and dedi-

cation to the State of Nevada and the people she represents, and I wish her and George the very best in the future.●

A VOTE AGAINST THE NINTH CR

• Mr. DODD. Mr. President, I rise today to discuss my vote against the continuing resolution on Friday, January 26.

The CR under which the Government is now operating is the ninth continuing resolution for fiscal 1996. That is four more CR's for 1 fiscal year than we have ever passed before. And we can be sure, come March 15, that we will be traveling down this road again.

This CR continues a dangerous and chaotic policy of haphazardly appropriating funds, while leaving State and local governments, Federal employees, and millions of Americans who depend on the Federal Government uncertain of the future.

This uncertainty can be traced in large part to the fact that months into fiscal 1996, the Republican controlled Congress has yet to complete work on all 13 appropriations bills.

This congressional foot dragging has brought us to the point we're at today: With a CR that is nothing more than a cynical attempt, by those who held the Government hostage and then didn't get their way, to dismantle critically important Federal programs in a piecemeal and indiscriminate fashion.

Let me be clear on one point: I am absolutely committed to balancing the budget. In 1981, I was one of six Senators to vote against President Reagan's budget, which I may add got us into this mess in the first place. I co-sponsored the Gramm-Rudman Deficit Reduction Act and just last October, I was 1 of 19 Senators to vote for the Simon-Conrad bill that would balance the budget in 7 years with CBO numbers.

More important, after the havoc wreaked by the Republicans during the last Government shutdown, I am committed to seeing the Government stay open and Federal employees at their desks.

Continuing resolutions, Government shutdowns, and legislative blackmail are simply no way to run the Federal Government.

The majority party says we must balance the budget to protect our children from inheriting a crushing debt. Yet at the same time we hear this rhetoric, the majority is passing a CR that directly harms our children's future by eliminating \$3.1 billion from education programs—the largest cut in education funding in American history.

Education is not alone. This CR would cut back funding by 25 percent for the Cops on the Beat Program, summer jobs programs for disadvantaged youth, and environmental clean-up. How can this Congress claim it is protecting children at the same time it is cutting money to keep communities safe and our water and air clean?

The majority party came into Washington with the slogan "Promises Made, Promises Kept." Well if their promises were to shut down the Government, eliminate money for education and the environment, cut Medicare and Medicaid, raise taxes on working families, and now hamstring the Federal Government's efforts to maintain its responsibilities and obligations, then I suppose they have kept their promises.

I am hopeful that at some point in the future we will take our cue from President Clinton's State of the Union call for reconciliation by reaching a bipartisan agreement on how to balance the budget. Until then, this Government will stumble from CR to CR while millions of Americans suffer.●

COMMEMORATING THE SESQUICENTENNIAL OF TEXAS STATEHOOD

Mr. LOTT. Mr. President, I ask unanimous consent that the Senate proceed to immediate consideration of Senate Concurrent Resolution 40, submitted earlier by Senators HUTCHISON and GRAMM.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

A concurrent resolution (S. Con. Res. 40) to commemorate the sesquicentennial of Texas statehood.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the concurrent resolution?

There being no objection, the Senate proceeded to consider the concurrent resolution.

Mrs. HUTCHISON. Mr. President, I rise today to commemorate a very special event in the history of my State. This recognition is almost identical to one passed by the Texas State Legislature on March 7, 1995.

Just last month, on December 29, 1995, Texas celebrated the sesquicentennial of their statehood. Unlike all other States ever admitted, we gave up the sovereignty of an independent republic to join the Union.

On March 1, 1845, Congress passed a resolution inviting the Republic of Texas to join the Union, and a special convention of Texans met to consider it, under the leadership of Thomas Jefferson Rusk. The convention accepted the offer on July 4, and its decision was ratified by the people in October. We submitted a constitution, which Congress accepted on December 29.

Rusk went on to become the first U.S. Senator from Texas, and I, the great-granddaughter of his law partner, now hold his seat. Taylor and Rusk had signed the Texas Declaration of Independence from Mexico in 1836.

Texans mark the 29th, quietly, as the commencement of our statehood, although we didn't lower the Lone Star and post the Stars and Stripes until February 19, 1846. We must have been happy with statehood in 1955, because we expressly renounced the right to fly

the flag of our old Republic at the same level as that of our Union. Our legislature mandated that it fly in a subordinate position, in a manner followed by all other States.

Although independence remains the signal day in Texas history, Texans look upon their statehood with pride, as a means of conferring blessings upon the people of all the States. When Old Glory was raised for the first time in Austin, TX, Anson Jones, the last President of the Republic of Texas, stated with eloquence:

The lone star of Texas, which ten years since arose amid cloud, over fields of carnage, and obscurely shone for a while, and following an inscrutable destiny, has passed on and become fixed forever in that glorious constellation which all . . . lovers of freedom in the world must . . . adore—the American Union. Blending its rays with its sister stars, long may it continue to shine, and may a gracious heaven smile upon this consummation with the wishes of the two republics, now joined together in one.

Thank you, Mr. President. I yield the floor.

Mr. LOTT. Mr. President, I ask unanimous consent that the concurrent resolution be considered and agreed to, the preamble be agreed to, the motion to reconsider be laid upon the table, and that any statement relating to the resolution appear at the appropriate place in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

So the concurrent resolution (S. Con. Res. 40) was agreed to.

The preamble was agreed to.

The concurrent resolution, with its preamble, is as follows:

S. CON. RES. 40

Whereas 1995 marks 150 years since the United States of America admitted Texas as the 28th State in the Union;

Whereas the sesquicentennial of Texas statehood is a truly momentous occasion that allows all Texans to reflect on their State's proud heritage and bright future;

Whereas acting on the advice of President John Tyler, the United States Congress adopted a joint resolution on February 28, 1845, inviting the Republic of Texas to enter the Union as a State with full retention of its public lands; today, a century and a half later, Texas enjoys the distinction of being the only State admitted with such extensive rights;

Whereas the citizens of the Republic of Texas were deeply committed to the goals and ideals embodied in the United States Constitution, and, on June 16, 1845, the Congress of the Republic of Texas was convened by President Anson Jones to consider the proposal of statehood;

Whereas Texas took advantage of the offer, choosing to unite with a large and prosperous Nation that could more effectively defend the borders of Texas and expand its flourishing trade with European countries; by October 1845, the Congress of the Republic of Texas had approved a State constitution, charting a bold new destiny for the Lone Star State;

Whereas the proposed State constitution was sent to Washington, D.C., and on December 29, 1845, the United States of America formally welcomed Texas as a new State; the transfer of governmental authority, however, was not complete until February 19, 1846, when Anson Jones lowered the flag that

had flown above the Capitol for nearly 10 years and stepped down from his position as president of the Republic of Texas; and

Whereas with the poignant retirement of the flag of the Republic, Texas emerged as a blazing Lone Star in America's firmament, taking its place as the 28th State admitted into the Union: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That the Congress—

(1) commemorate the sesquicentennial of Texas statehood; and

(2) encourage all Texans to observe such day with appropriate ceremonies and activities on this historic occasion. The Secretary of the Senate shall transmit a copy of this resolution to the Texas Congressional Delegation, to the Governor of Texas, to the National Archives, and to the Texas Archives.

VA HEALTH CARE DELIVERY ACT

Mr. LOTT. Mr. President, I ask that the Chair lay before the Senate a message from the House of Representatives on H.R. 2353, a bill to amend title 38, United States Code, to extend certain expiring authorities of the Department of Veterans Affairs relating to delivery of health and medical care, and for other purposes.

The PRESIDING OFFICER laid before the Senate the following message from the House of Representatives:

Resolved, That the House agree to the amendments of the Senate to the bill (H.R. 2353) entitled "An Act to amend title 38, United States Code, to extend certain expiring authorities of the Department of Veterans Affairs relating to delivery of health and medical care, and for other purposes", with the following amendments:

In lieu of the matter inserted by said amendment, insert:

TITLE I—EXTENSIONS OF AUTHORITY
SEC. 101. EXTENSION OF AUTHORITIES UNDER TITLE 38, UNITED STATES CODE.

(a) **AUTHORITY TO PROVIDE PRIORITY HEALTH CARE FOR CERTAIN VETERANS EXPOSED TO TOXIC SUBSTANCES.**—(1) Section 1710(e)(3) of title 38, United States Code, is amended by striking out "after June 30, 1995," and all that follows through "December 31, 1995" and inserting in lieu thereof "after December 31, 1996".

(2) Section 1712(a)(1)(D) of such title is amended by striking out "December 31, 1995," and inserting in lieu thereof "December 31, 1996,".

(b) **DRUG AND ALCOHOL ABUSE AND DEPENDENCE.**—Section 1720A(e) of such title is amended by striking out "December 31, 1995" and inserting in lieu thereof "December 31, 1997".

(c) **PILOT PROGRAM FOR NONINSTITUTIONAL ALTERNATIVES TO NURSING HOME CARE.**—Section 1720C(a) of such title is amended by striking out "September 30, 1995," and inserting in lieu thereof "December 31, 1997,".

(d) **NEGOTIATED INTEREST RATES.**—Section 3703(c)(4) of such title is amended by striking out subparagraph (D).

(e) **MORTGAGES FOR ENERGY EFFICIENT IMPROVEMENTS.**—Section 3710(d) of such title is amended by striking out paragraph (7).

(f) **ENHANCED LOAN ASSET SALE AUTHORITY.**—Section 3720(h)(2) of such title is amended by striking out "December 31, 1995" and inserting in lieu thereof "December 31, 1996".

(g) **AUTHORITY OF LENDERS OF AUTOMATICALLY GUARANTEED LOANS TO REVIEW APPRAISALS.**—Section 3731(f) of such title is amended by striking out paragraph (3).

(h) **AGREEMENTS FOR HOUSING ASSISTANCE FOR HOMELESS VETERANS.**—Section 3735(c) of such title is amended by striking out "December 31, 1995" and inserting in lieu thereof "December 31, 1997".

(i) **USE OF DATA ON COMPENSATION FOR CERTIFIED REGISTERED NURSE ANESTHETISTS.**—Section 7451(d)(3)(C)(iii) of such title is amended by striking out "April 1, 1995" and inserting in lieu thereof "January 1, 1998".

(j) **HEALTH PROFESSIONAL SCHOLARSHIP PROGRAM.**—Section 7618 of such title is amended by striking out "December 31, 1995" and inserting in lieu thereof "December 31, 1997".

(k) **ENHANCED-USE LEASES OF REAL PROPERTY.**—Section 8169 of such title is amended by striking out "December 31, 1995" and inserting in lieu thereof "December 31, 1997".

SEC. 102. EXTENSION OF AUTHORITIES UNDER OTHER PROVISIONS OF LAW.

(a) **AUTHORITY FOR COMMUNITY-BASED RESIDENTIAL CARE FOR HOMELESS CHRONICALLY MENTALLY ILL VETERANS AND OTHER VETERANS.**—Section 115(d) of the Veterans' Benefits and Services Act of 1988 (38 U.S.C. 1712 note) is amended by striking out "September 30, 1995" and inserting in lieu thereof "December 31, 1997".

(b) **DEMONSTRATION PROGRAM OF COMPENSATED WORK THERAPY.**—Section 7(a) of Public Law 102-54 (38 U.S.C. 1718 note) is amended by striking out "fiscal years 1991 through 1995" and inserting in lieu thereof "the period beginning on October 1, 1991, and ending on December 31, 1997,".

(c) **SERVICES AND ASSISTANCE TO HOMELESS VETERANS.**—The Homeless Veterans Comprehensive Service Programs Act of 1992 (Public Law 102-590; 38 U.S.C. 7721 note) is amended—

(1) in section 2, by striking out "September 30, 1995," and inserting in lieu thereof "September 30, 1997,";

(2) in section 3(a)—

(A) by inserting "(1)" before "Subject to";

(B) by striking out "fiscal years 1993, 1994, and 1995,"; and

(C) by adding at the end the following new paragraph:

"(2) The authority of the Secretary to make grants under this section expires on September 30, 1997,"; and

(3) in section 12, by striking out "each of the fiscal years 1993, 1994, and 1995" and inserting in lieu thereof "each of fiscal years 1993 through 1997".

(d) **HOMELESS VETERANS' REINTEGRATION PROJECTS.**—(1) Section 738(e)(1) of the Stewart B. McKinney Homeless Assistance Act (42 U.S.C. 11448(e)(1)) is amended by adding at the end the following:

"(D) \$10,000,000 for fiscal year 1996.".

(2) Section 741 of such Act (42 U.S.C. 11450) is amended by striking out "October 1, 1995" and inserting in lieu thereof "December 31, 1997".

SEC. 103. RATIFICATION OF ACTIONS TAKEN DURING PERIOD OF EXPIRED AUTHORITY.

Any action taken by the Secretary of Veterans Affairs before the date of the enactment of this Act under a provision of law amended by this title that was taken during the period beginning on the date on which the authority of the Secretary under that provision of law expired and ending on the date of the enactment of this Act shall be considered to have the same force and effect as if the amendment to that provision of law made by this title had been in effect at the time of that action.

TITLE II—OTHER PROVISIONS

SEC. 201. CODIFICATION OF HOUSING REPORTING REQUIREMENTS AND CHANGES IN THEIR FREQUENCY.

(a) **CODIFICATION OF HOUSING RELATED REPORTING REQUIREMENTS.**—(1) Chapter 37 of title 38, United States Code, is amended by adding after section 3735 the following new section:

"§3736. Reporting requirements

"The annual report required by section 529 of this title shall include a discussion of the activities under this chapter. Beginning with the report submitted at the close of fiscal year 1996, and every second year thereafter, this discussion shall include information regarding the following:

"(1) Loans made to veterans whose only qualifying service was in the Selected Reserve.

"(2) Interest rates and discount points which were negotiated between the lender and the veteran pursuant to section 3703(c)(4)(A)(i) of this title.

"(3) The determination of reasonable value by lenders pursuant to section 3731(f) of this title.

"(4) Loans that include funds for energy efficiency improvements pursuant to section 3710(a)(10) of this title.

"(5) Direct loans to Native American veterans made pursuant to subchapter V of this chapter."

(2) The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 3735 the following new item:

"3736. Reporting requirements."

(b) **REPEAL OF SUPERSEDED REPORTING REQUIREMENTS.**—The Veterans Home Loan Program Amendments of 1992 (Public Law 102-547; 106 Stat. 3633) is amended by striking out sections 2(c), 3(b), 8(d), 9(c), and 10(b).

SEC. 202. OTHER REPORT REQUIREMENTS.

(a) **REPORT ON CONSOLIDATION OF CERTAIN PROGRAMS.**—The Secretary of Veterans Affairs shall submit to Congress, not later than March 1, 1997, a report on the advantages and disadvantages of consolidating into one program the following three programs:

(1) The alcohol and drug abuse contract care program under section 1720A of title 38, United States Code.

(2) The program to provide community-based residential care to homeless chronically mentally ill veterans under section 115 of the Veterans' Benefits and Services Act of 1988 (38 U.S.C. 1712 note).

(3) The demonstration program under section 7 of Public Law 102-54 (38 U.S.C. 1718 note).

(b) **HEALTH PROFESSIONAL SCHOLARSHIP PROGRAM.**—(1) The Secretary shall submit to Congress, not later than March 31, 1997, a report setting forth the results of a study evaluating the operation of the health professional scholarship program under subchapter II of chapter 76 of title 38, United States Code. The study shall evaluate the efficacy of the program with respect to recruitment and retention of health care personnel for the Department of Veterans Affairs and shall compare the costs and benefits of the program with the costs and benefits of alternative methods of ensuring adequate recruitment and retention of such personnel.

(2) The Secretary shall carry out the study under this paragraph through a private contractor. The report under paragraph (1) shall include the report of the contractor and the comments, if any, of the Secretary on that report.

(c) **ENHANCED USE LEASES.**—The Secretary shall submit to Congress, not later than March 31, 1997, a report evaluating the operation of the program under subchapter V of chapter 81 of title 38, United States Code.

SEC. 203. CONTRACTS FOR UTILITIES, AUDIE L. MURPHY MEMORIAL HOSPITAL.

(a) **AUTHORITY TO CONTRACT.**—Subject to subsection (b), the Secretary of Veterans Affairs may enter into contracts for the provision of utilities (including steam and chilled water) to the Audie L. Murphy Memorial Hospital in San Antonio, Texas. Each such contract may—

(1) be for a period not to exceed 35 years;

(2) provide for the construction and operation of a production facility on or near property under the jurisdiction of the Secretary;

(3) require capital contributions by the parties involved for the construction of such a facility, such contribution to be in the form of cash, equipment, or other in-kind contribution; and

(4) provide for a predetermined formula to compute the cost of providing such utilities to the parties for the duration of the contract.

(b) **FUNDS.**—A contract may be entered into under subsection (a) only to the extent as provided for in advance in appropriations Acts.

(c) **ADDITIONAL TERMS.**—The Secretary may include in a contract under subsection (a) such additional provisions as the Secretary considers necessary to secure the provision of utilities and to protect the interests of the United States.

In lieu of the Senate amendment to the title of the bill, amend the title so as to read: "An Act to amend title 38, United States Code, to extend the authority of the Secretary of Veterans Affairs to carry out certain programs and activities, to require certain reports from the Secretary of Veterans Affairs, and for other purposes."

Mr. SIMPSON. Mr. President, I am pleased to rise to comment briefly today, as chairman of the Veterans' Affairs Committee, on an important and, I think, noncontroversial piece of legislation to extend the effective dates of certain legal authorities under which the Department of Veterans Affairs [VA] operates.

The extension of each, and all, of legal authorities which are before the Senate today has previously been approved by the Senate. Specifically, this body approved the extension of each of these provisions on January 5, 1996, when it approved S.991, as amended. The Senate then substituted the text of S. 991, as so approved, into H.R. 2353, and sent that legislation back to the other body. We anticipated at that time that the House would approve these noncontroversial provisions—and, indeed, the House has approved them. The House, however, has made certain additional amendments to the Senate-passed bill which necessitate further consideration of the bill by this body.

To summarize, this is what the House has done to change the Senate-approved bill: first, it made permanent certain authorities pertaining to VA's home loan program that the Senate would have extended, on an interim basis, for 2 years only; second, it extended the maximum allowable time-frame for which VA may enter into a particular lease transaction in order to facilitate the construction of a power plant on the grounds of the VA Medical Center in San Antonio, TX; and, third, with respect to certain programs being extended by the Senate-approved bill, the House amendments would either modify existing reporting requirements or, in three instances, impose new reporting requirements on VA, in order that the Congress might be in a better position in the future to decide whether to extend these provisions again.

Mr. President, these amendments are not objectionable. I will only comment at more length on one of them: the House amendment to make permanent VA's authority to guarantee home mortgage loans with interest rates set by the marketplace—instead of by VA officials. I heartily support this amendment.

Three years ago, the Congress enacted legislation to authorize VA, for the first time, to guarantee home mortgage loans having interest rates set by the marketplace. Before 1992, the maximum allowable interest rate that a veteran could be charged on a

VA-guaranteed home loan was set by the VA. As I explained in my floor statement on January 5, 1996, this attempt to "protect" veterans caused market disruptions and did not result in any real benefit to veteran home purchasers. In cases where the VA-set "ceiling" rate was set too low, home sellers typically upped the price of the house to be sold or, worse, they refused to deal with veteran-purchasers.

When the Senate approved an extension in VA's authority to guarantee loans with market-set interest rates on January 5, I said that the Committee would be holding hearings on this issue with an eye toward making this legal authority permanent. The committee's membership, and our colleagues in the other body, however, are willing to make this authority permanent now. I certainly have no objection to proceeding now to "let" the marketplace—rather than VA bureaucrats—set mortgage interest rates; I never thought it made sense in the first place to put a "sunset" date in the provision which allows reliance on the marketplace. Therefore, I support the House amendment, and I am pleased to be able to make permanent the home loan authorities enacted in 1992.

The other House modifications require less explanation. One would extend the maximum term for which a VA Medical Center, in San Antonio, TX, could lease its land in order to facilitate the construction by the local utility of a power plant on VA grounds from which VA could buy inexpensive power. This transaction—at least at this particular medical center—clearly appears to make sense. The other amendments would ease VA reporting burdens—a concept that I certainly support—and, in three instances, add new reporting requirements. While I am less than enthusiastic about layering yet more statutory reporting requirements on VA, perhaps these reports will be useful. In any case, I do not intend to delay this overdue legislation further by objecting to these reporting requirements.

Otherwise, Mr. President, the bill contains no significant modification relative to the bill already approved by the Senate. As explained in greater length in my floor statement of January 5, 1996, the bill will extend VA authority to grant to so-called "environmental veterans"—those who were exposed to ionizing radiation during service; those who served in the Republic of Vietnam and who are, therefore, "presumed" to have been exposed to dioxin; and those who served in the Persian Gulf War and who may have possibly been exposed to some presently unknown toxic substances or other environmental hazards—to priority access to VA hospital care services. That authority will be extended through this year, during which the committee intends to examine closely an entire range of issues associated with VA's standards for eligibility for health care services.

It would also extend VA's legal authority to contract for drug and alcohol abuse treatment services. It would extend a number of legal authorities under which VA either itself provides, or contracts for others to provide, health care and other services to homeless veterans. It would extend VA's current pilot program on noninstitutional alternatives to nursing home care. It would also extend: VA's Health Professional Scholarship Program; VA's authority to use local pay surveys to determine the appropriate level of locality pay for VA nurse anesthetists; and VA's authority to enter into certain property leasing transactions. It would extend—and make permanent—previously enacted home loan authorities including: VA's authority to guarantee home loans having market-set interest rates; VA's authority to guarantee "energy efficient" mortgages; and VA's authority to allow lenders access to appraisals on the properties they finance. Finally, it would extend VA's "enhanced loan asset sale authority," an authority which facilitates the marketing of instruments by which sales of foreclosed VA-owned properties are financed.

As I have noted, Mr. President, these provisions have previously been approved by the Senate, and there was no previous controversy with respect to any of them. The changes made by the other body are not objectionable to me. Nor have any other members of the Veterans' Affairs, Committee raised objection. Accordingly, I urge my colleagues to approve these measures, as amended by the other body, in order that we might put into place now-expired VA legal conditions without further delay.

Mr. President, I appreciate the time that has been afforded me and I yield back the remainder of my time.

Mr. ROCKEFELLER. Mr. President, as the ranking minority member of the Committee on Veterans' Affairs, I urge the Senate to give its unanimous support to the pending measure, H.R. 2353. This legislation is the final compromise on legislation reported by the Committee on Veterans' Affairs on September 20, 1995, and originally passed by the Senate on January 5, 1996. The debate on the original Senate passage begins on page S102 of the RECORD for January 5. The House passed this compromise on January 25, 1996.

This legislation would extend a variety of veterans programs and authorities that have expired. The proposed extensions are relatively short-term ones—1 or 2 years—to ensure that the program or authority remains in place while the committee takes the opportunity to review the various issues in more detail.

Mr. President, I regret the delay in the final action on this legislation—first in the Senate, and now at final passage, when the House, rather than passing the bill as passed by the Senate, returned it to us after a delay so

that certain very minor provisions—which I will describe in a moment—could be added to this measure. This is a simple extender bill, and it should have been passed months ago. We should not be in the situation of allowing Government benefits and programs to expire. We must do better.

Mr. President, there is no objection as far as I know to any of the provisions in the bill as it comes before the Senate today. I urge its swift enactment so that it can reach the President as soon as possible for his signature.

SUMMARY OF PROVISIONS

Mr. President, the bill as amended by the House and now pending in the Senate contains 20 substantive provisions—15 of which provide for the extension of programs and authorities—the vast majority of which are the same as the Senate-passed provisions—and five provisions added by the House, four of which require reports from VA and one relating to the furnishing of utilities at a VA medical center.

I will first describe briefly the provisions which extend programs and authorities, noting any changes from the provisions as passed by the Senate on January 5. I will then briefly describe the provisions added by the House.

The provisions which would provide for extensions of programs and authorities would:

First, extend until December 31, 1996, the special eligibility for VA inpatient care which is accorded to certain veterans—those exposed to ionizing radiation from nuclear weapons tests or the occupation of Japan following World War II; Vietnam veterans exposed to herbicides during their service; and Persian Gulf war veterans exposed to environmental hazards during their service. Any care furnished to veterans exposed to radiation or herbicides pursuant to this authority between its expiration on June 30, 1995, and the date of enactment of this measure, would be ratified.

Second, extend until December 31, 1996, the special eligibility for VA outpatient care accorded to Persian Gulf war veterans.

Third, extend until December 31, 1997, VA's authority to contract for community-based drug and alcohol care.

Fourth, extend until December 31, 1997, VA's pilot program of noninstitutional alternatives to nursing home care.

Fifth, make permanent VA's authority to guarantee loans which bear an interest rate negotiated between the veteran and the lender. The Senate-passed bill would have extended this authority for 2 years.

Sixth, make permanent VA's authority to guarantee loans that include costs related to making energy efficiency improvements to the dwelling that is the object of the loan. The Senate-passed bill would have extended this authority for 2 years.

Seventh, extend until December 31, 1996, VA's enhanced loan asset sale authority pursuant to which VA guaran-

tees the timely payment of principal and interest to purchasers of real estate mortgage investment conduits.

Eighth, make permanent VA's authority to permit a lender who is authorized to make loans which are automatically guaranteed to review appraisals. The Senate-passed bill would have extended this authority for 2 years.

Ninth, extend until December 31, 1997, VA's authority to enter into agreements with nonprofit organizations and State and local governments whereby such entities acquire real property, or the use of such property, from VA in order to furnish services to homeless veterans.

Tenth, extend until December 31, 1997, VA's authority to use data on compensation paid to nurse anesthetists who work on a contract basis for non-VA entities in determining appropriate locality pay for nurse anesthetists who work for VA.

Eleventh, extend until December 31, 1997, VA's Health Professional Scholarship Program.

Twelfth, extend until December 31, 1997, VA's authority to enter into enhanced-use leases with non-VA entities.

Thirteenth, extend until December 31, 1997, VA's program of community-based residential care for homeless chronically mentally ill veterans.

Fourteenth, extend until December 31, 1997, VA's authority to carry out a demonstration program of compensated work therapy and therapeutic transitional housing.

Fifteenth, extend until September 30, 1997, VA's authority to make grants to entities for the purpose of furnishing services and assistance to homeless veterans.

Sixteenth, extend until September 30, 1997, the Department of Labor's homeless veterans' reintegration projects and authorize appropriation of \$10 million for this program.

Mr. President, as I noted, the House added five provisions to the bill as passed by the Senate. Four of these provision would relate to reports from VA—on housing programs; on the desirability of consolidating certain community-based programs; on the efficacy of VA's Health Professional Scholarship Program; and on the operation of VA's enhanced-use lease programs. The fifth provision authorizes VA to enter into contracts of up to 35 years' duration for the provision of utilities at the San Antonio VA medical center.

Without getting into the merits of any of these provisions—beyond wondering, in this time of budgetary constraints, about the costs associated with generating the various reports—I must express my inability to understand why they were seen as so important at this time as to necessitate delaying the extender provisions.

CONCLUSION

Mr. President, the principal point of this legislation is to extend a number

of important VA authorities and programs, and I urge all of my Senate colleagues to support it. As I noted at the outset, our consideration of this bill was delayed, first in the Senate because of unrelated concerns, and more recently, by the House, over the inclusion of the report provisions. It is vital that we act as quickly as possible to reauthorize the various programs and authorities.

Mr. President, I express my appreciation to the majority staff of the committee, particularly Bill Tuerk, for their work on this legislation.

Mr. President, I urge the Senate to give its unanimous approval to this measure.

Mr. LOTT. Mr. President, I ask unanimous consent that the Senate concur with the amendments of the House to the Senate amendments, and that any statements relating to the bill appear at the appropriate place in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

EXECUTIVE SESSION

EXECUTIVE CALENDAR

Mr. LOTT. Mr. President, I ask unanimous consent that the Senate proceed to executive session to consider Executive Calendar nomination No. 454.

I further ask unanimous consent that the nomination be confirmed; that the motion to reconsider be laid upon the table; that any statements relating to this nomination appear at the appropriate place in the RECORD; that the President be immediately notified of the Senate's action; and that the Senate then return to legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

So the nomination was considered and confirmed, as follows:

NAVY

The following named officer for reappointment to the grade of Admiral in the U.S. Navy while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be admiral

Adm. Joseph W. Prueher, 000-00-0000.

LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will now return to legislative session.

ORDER OF PROCEDURE

Mr. LOTT. Mr. President, we do have a unanimous-consent request that I think we have worked out with the leadership on both sides of the aisle with the regard to the agriculture legislation. We are prepared momentarily to enter that unanimous-consent request and to conclude for the day. Right now, we want to put in a quorum call until the other leader is able to get to the floor. So I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

UNANIMOUS-CONSENT AGREEMENT—S. 1541

Mr. LOTT. Mr. President, I have a unanimous-consent agreement now that has been reviewed and agreed to by the distinguished minority leader. I will proceed with their concurrence.

I ask unanimous consent that it be in order for the majority leader, or his designee, during the session of the Senate on Wednesday, January 31, to turn to the consideration of calendar No. 330, S. 1541, the farm bill, and once a cloture motion has been filed on the bill on Wednesday, that the cloture vote occur on Thursday, February 1, notwithstanding the provisions of rule XXII, at a time to be determined by the majority leader, after consultation with the Democratic leader, and that the mandatory quorum under rule XXII be waived.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LOTT. I further ask unanimous consent that, during the session of the Senate on Wednesday, January 31, it be in order for Senator DORGAN to offer an amendment to S. 1541, and once that amendment has been offered and a cloture motion has been filed, the cloture vote also occur on Thursday, February 1, at a time to be determined by the majority leader, after consultation with the Democratic leader, notwithstanding rule XXII, and that the mandatory quorum under rule XXII be waived.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LOTT. I further ask that if Senator LEAHY or designee offers an amendment following the offering of the Dorgan amendment to S. 1541 and cloture is filed on that amendment, the same terms as provided above apply, with that cloture vote occurring in sequence following the cloture vote on S. 1541.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LOTT. Finally, I ask unanimous consent that during the pendency of S. 1541, the farm bill, it be in order for the majority leader, after concurrence with the Democratic leader, to modify the text of S. 1541.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDERS FOR WEDNESDAY, JANUARY 31, 1996

Mr. LOTT. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until the hour of 11 a.m., Wednesday, January 31; further, that immediately following the prayer, the Journal of the proceedings be deemed approved to date, no resolutions come over under the rule, the call

of the calendar be dispensed with, the morning hour be deemed to have expired, the time for the two leaders be reserved for their use later in the day, and that there then be a period for morning business until the hour of 1 p.m., with the time equally divided between the two parties, and the time consumed in quorum calls during the morning business period be equally divided.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDERS FOR THURSDAY, FEBRUARY 1, 1996

Mr. LOTT. Mr. President, I further ask unanimous consent that when the Senate adjourns on Wednesday, it stand in adjournment until 10:30 a.m. on Thursday, February 1, that following the prayer, the Journal of the proceedings be deemed approved to date, no resolutions come over under the rule, the call of the calendar be dispensed with, the morning hour be deemed to have expired, and the time for the two leaders be reserved for their use later in the day, and the Senate immediately then proceed to the consideration of S. 1541, the farm bill, until the hour of 11:25 a.m., with the debate time equally divided between the two managers, and further that the Senate stand in recess until 12:45 p.m. for the joint meeting; further, that at 12:45 p.m., the Senate will resume consideration of the farm bill, with the time between 12:45 p.m. and 1:30 p.m. equally divided between the two managers. I further ask unanimous consent that pursuant to the earlier agreement the cloture vote on the Dorgan amendment occur at 1:30 p.m., to be followed by a cloture vote on S. 1541.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. LOTT. Mr. President, the Senate will reconvene on Wednesday for a period of morning business and then begin debate on the farm bill. Rollcall votes are not expected during Wednesday's session. The Senate will then adjourn over until Thursday.

On Thursday, at 11:45 a.m., there will be a joint meeting of both Houses to hear an address by the President of France, President Chirac. Members should be in the Senate Chamber at approximately 11:25 a.m. in order to proceed to the House of Representatives. Following that address, the Senate will then debate and conduct a cloture vote on the Dorgan amendment, as well as the farm bill itself. Also, the Senate could turn to any items that can be cleared for action. All Senators should be aware that rollcall votes are expected throughout Thursday's session.

APPOINTMENT BY THE VICE
PRESIDENT

The PRESIDING OFFICER. The Chair, on behalf of the Vice President, in accordance with Public Law 81-754, as amended by Public Law 93-536 and Public Law 100-365, appoints the Senator from Oregon [Mr. HATFIELD] to the National Historical Publications and Records Commission.

APPOINTMENT BY THE MAJORITY
LEADER

The PRESIDING OFFICER. The Chair, on behalf of the Republican

leader, pursuant to Public Law 103-227, appoints the Senator from Vermont [Mr. JEFFORDS] as a member of the National Education Goals Panel, vice the Senator from New Hampshire [Mr. GREGG].

ADJOURNMENT UNTIL 11 A.M.
TOMORROW

Mr. LOTT. Mr. President, if there be no further business to come before the Senate, I now ask that the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 3:16 p.m., adjourned until Wednesday, January 31, 1996, at 11 a.m.

CONFIRMATION

Executive nomination confirmed by the Senate January 30, 1996:

NAVY

THE FOLLOWING-NAMED OFFICER FOR REAPPOINTMENT TO THE GRADE OF ADMIRAL IN THE U.S. NAVY WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, UNITED STATES CODE, SECTION 601:

To be admiral

ADM. JOSEPH W. PRUEHER, 000-00-0000.

EXTENSIONS OF REMARKS

COMPANIES SUPPLYING DUAL-USE ITEMS TO IRAQ: THE NEED FOR SUNSHINE

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 30, 1996

Mr. HAMILTON. Mr. Speaker, on November 1, 1995, I wrote to Secretary of State Christopher about companies supplying dual-use technologies to Iraq. My basic question is: Why aren't the names of companies providing dual-use or military items to Iraq made public?

On December 20, 1995, I put into the CONGRESSIONAL RECORD a reply from Rolf Ekeus of UNSCOM to a similar letter I wrote (E2429).

On January 18, 1996, I received a reply from the Department of State, and the text of the correspondence follows:

COMMITTEE ON INTERNATIONAL RELATIONS, HOUSE OF REPRESENTATIVES,

Washington, DC, November 1, 1995.

Hon. WARREN CHRISTOPHER,

Secretary of State, Department of State, Washington, DC.

DEAR MR. SECRETARY: I write with respect to the question of companies that supplied or are supplying dual-use goods, services or technology to Iraq, and the use of those dual-use items in Iraq's programs to build weapons of mass destruction.

At the time of the creation of UNSCOM by U.N. Security Council Resolution 687 in April, 1991, it had been my impression, from both U.S. officials and from UNSCOM, that the names of companies supplying dual-use items to Iraq eventually would be made public. Thus far, to my knowledge, no such list has been made public.

I continue to think that it is important to make information about all such companies public, on the theory that sunshine is the best deterrent of such transfers of dual-use items in the future.

I would like to ask a number of questions:

1. Why has a list of companies supplying dual-use items to Iraq not been made public?

Who, or what governments, are locking the release of such information?

2. What is U.S. policy on the publication of such a list of companies?

Is the United States pressing UNSCOM to release such a list of companies?

Is the United States pressing the Security Council to direct UNSCOM to release such a list of companies?

3. Does the United States plan to make such a list of companies public?

Does the U.S. plan, at least, to make public a list of U.S. companies that supplied dual-use items to Iraq?

Thank you for your time and attention, and I look forward to your early reply.

With best regards,

Sincerely,

LEE H. HAMILTON,
Ranking Democratic Member.

U.S. DEPARTMENT OF STATE,
Washington, DC, January 18, 1996.

Hon. LEE H. HAMILTON,
House of Representatives.

DEAR MR. HAMILTON: I am writing in respect to your recent letter to Secretary

Christopher regarding companies supplying dual-use technology to Iraq. The Department very much appreciates your interest in, and leadership on, this critical issue.

As you indicated, the U.N. Special Commission on Iraq (UNSCOM) has not published any list of companies supplying dual-use items to Iraq. We asked for such lists some time ago, shortly after UNSCOM started its work. UNSCOM explained that supplying such lists would make it impossible for UNSCOM to carry out its primary responsibility: to account for and dismantle Iraq's weapons of mass destruction (WMD) and monitor Iraq's ability to make such weapons in the future.

In the same resolution that created UNSCOM (Resolution 687), the Security Council directed Iraq to declare all of its weapons of mass destruction and the facilities used to manufacture them. Iraq, in fact, failed to do this. As a result, UNSCOM became entirely dependent on information from other governments to build a picture of Iraq's weapons arsenal. Governments are only willing to share this information with UNSCOM in confidence. Were UNSCOM to publish lists of companies that did business with Iraq, governments would stop sharing this vital information. This would cripple UNSCOM's ability to fulfill its basic mandate.

We have stressed to UNSCOM the need to approach governments to take action against their companies which have engaged in prohibited weapons trade with Iraq. We have offered to approach governments ourselves to add weight to UNSCOM's own approaches. However, given UNSCOM's continued dependence on foreign government cooperation, it believes publication of lists like those described in your letter would be counterproductive.

You also raise the issue of the U.S. government publishing a list of U.S. companies engaged in such activities. State did distribute to Congressional committees during the first year of inspections lists of U.S. firms involved in dual-use trade with Iraq prior to the Gulf War. We are not aware of any subsequent lists, but we will be consulting with the Commerce Department on this issue.

We hope this information is helpful to you. Please continue to call on us whenever you believe this Department might be helpful.

Sincerely,

WENDY R. SHERMAN,
*Assistant Secretary,
Legislative Affairs.*

THANK YOU HELEN G. JACOB

HON. JACK QUINN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 30, 1996

Mr. QUINN. Mr. Speaker, I rise today to recognize the distinguished community service of Helen G. Jacob, on the occasion of the opening of the Department of Veterans Affairs Western New York Healthcare System Women's Wellness Center dedicated in her honor.

Ms. Jacob has served the State of New York as the chairperson of the Rehabilitation Committee for Women Veterans, a project

which she initiated in 1984. She has also served as the vice president of the National Historians' Association, Area I, which encompasses 12 States and 3 separate countries.

In addition to these remarkable duties, Helen Jacob is also the women's coordinator for the Veterans Administration Medical Center in Buffalo, NY. In this capacity, she has selflessly dedicated countless hours on a volunteer basis to the personal needs of both inpatient and outpatient women in the medical center's care.

Helen also holds the prestigious honor of being the only woman elected as Commander of the American Legion of Erie County, a position responsible for approximately 14 thousand members in over 50 posts.

Since its inception in 1992, Ms. Jacob has provided insight and expertise in Veteran related issues on my 30th Congressional District Veterans Advisory Committee. Helen's insight and sage advice on matters concerning our Nation's veterans is truly appreciated, and I unreservedly offer her my enthusiastic congratulations and commendations for this dedication.

The dedication of the Helen G. Jacob Women's Wellness Center is also testimony to the innovative spirit of the hospital itself, as it is the only one of its kind nationwide in a veterans hospital or medical center.

Mr. Speaker, today I join with the Jacob family, her colleagues, friends, all of those who served our Nation in the Armed Forces, and indeed, the entire western New York community to honor Ms. Helen G. Jacob for her dedication, hard work, and commitment to western New York and its veterans.

EVELYN DUPONT, FOUNDER OF CALIFORNIA POOLS FOR THE HANDICAPPED, INC.—A ROLE MODEL OF COURAGE AND COMPASSION

HON. STEPHEN HORN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday January 30, 1996

Mr. HORN. Mr. Speaker, it is my great privilege to honor one of Long Beach CA's most admirable citizens—Evelyn duPont who has shown our community a personal courage and a public compassion that move far beyond the norm. Stricken with a crippling disease, she rose above its physical limitations to give others the opportunity to do the same.

Evelyn duPont has dedicated her life to the rehabilitation of people with disabilities and to the rejuvenation of senior citizens. It is a dedication that was born of personal tragedy. In 1952, Evelyn contracted polio and faced a life of braces, wheelchairs, and crutches. But here determination to lead an active, contributing life propelled her beyond their confines.

As a former international aquatic competitor, instructor, and water show star, Evelyn knew of the healing and healthy properties of aquatic exercise—especially for those with crippling

• This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

disabilities. She initiated a self-therapy, water-oriented rehabilitation program for herself. After many months, she was able to walk again without crutches and braces.

This personal triumph inspired Evelyn to open her backyard swimming pool to disabled children. After several weeks, the news of Evelyn's invitation spread. Parents, schools, and doctors were bringing children 5 and 6 days a week. As the numbers grew, Evelyn knew that she would have to expand beyond the limitations of her modest pool.

With the support of community and civic leaders, Evelyn founded the Cerritos Communities Pool for the Handicapped, Inc.—a non-profit corporation, now known as the California Pools for the Handicapped, Inc. Today, her organization is an internationally respected leader in aquatic rehabilitation and still maintains its original goals: to heal and comfort those in need, to never turn anyone away, and to never charge for any service.

For Evelyn, there has been no separation between her personal and professional dedication to the disabled. In addition to her commitment to no-cost aquatic rehabilitation therapy, Evelyn adopted 4 disabled children and served as foster mother for 12 more.

Evelyn's concern, commitment, and courage are exceptional. Her ability to take a personal tragedy and turn it into a personal triumph that has benefited thousands stands a model for all. Her life shows what wonderful things can be accomplished when one person seeks to make a personal tragedy into a triumph.

CONFERENCE REPORT ON S. 1124,
NATIONAL DEFENSE AUTHORIZATION
ACT FOR FISCAL YEAR 1996

SPEECH OF

HON. NANCY PELOSI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 24, 1996

Ms. PELOSI. Mr. Speaker, I rise to urge my colleagues to oppose the fiscal year 1996 Department of Defense [DOD] authorization bill conference report. There are many reasons to defeat this conference report. One of the worst provisions contained in this bill would lead to the immediate discharge of the 1,049 service members infected with HIV, the virus that causes aids.

The Department opposes this provision and does not believe that service members with HIV present a deployment problem. The DOD believes that members with HIV should be treated as any other service members with chronic, possibly fatal, medical conditions, and remain on active duty until such time as they cannot perform their duties.

This provision is discriminatory because it treats people with HIV differently from the way people with other chronic diseases are treated.

Current policy concerning service members who are not eligible for worldwide deployment, such as those with HIV, are sufficient. Service members become ineligible for worldwide deployment due to a number of medical reasons, such as diabetes, asthma, heart disease, cancer, and pregnancy. They still perform very significant duties but are restricted in overseas travel to remain close to adequate medical services.

It is inappropriate to single out individuals with HIV disease for discharge from the Armed Services and in so doing, treat these individuals differently than the military treats other productive service members with chronic illnesses.

The current policy has been in place since the Reagan administration and received the support of senior military officials. The policy is the product of serious analysis and deliberation by the Pentagon of the impact of individuals with HIV disease on military readiness. The Clinton administration has only moved to continue these policies, demonstrating bipartisan support for this approach.

The presence of HIV-infected service members in the military does not adversely affect combat readiness or efficiency. These troops are still physically capable and are valuable to the Armed Services. Adopting this conference report would endorse unacceptable discrimination.

RESIGNATION OF SERGEI
KOVALEV

HON. CHRISTOPHER H. SMITH

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 30, 1996

Mr. SMITH of New Jersey. Mr. Speaker, I call the attention of my colleagues to one of several deeply disappointing developments in Russia. Deputy Sergei Kovalev, our colleague in the Russian Parliament and longtime human rights activist, resigned his post as head of President Yeltsin's human rights commission earlier this week. Well known to anyone who has followed the course of human rights and democratic development in Russia, Mr. Kovalev was a political prisoner under the Communist regime and he has been highly critical of the Yeltsin government's policies in Chechnya. During the first weeks of the Russian attack on Grozny, the Chechnya capital, Mr. Kovalev bravely travelled to the region to see the facts for himself. For his efforts to stop the killing and terrorizing of both Chechens and Russians, he was roundly condemned and even threatened by fervent Russian nationalists.

Mr. Speaker, Mr. Kovalev's resignation comes at a time when President Yeltsin appears to be casting off the last of his democratic orientation and throwing in his lot with rapid nationalists, allegedly reformed Communists, and cabinet cronies. Though he talks a reform line, President Yeltsin's actions demonstrate otherwise. In his resignation letter, Sergei Kovalev charges that President Yeltsin's government is "trying to run the country in a direction completely contrary to the one proclaimed in August 1991." This is a very disturbing course for Russia, for its neighbors, and for the entire world.

I urge President Yeltsin to return to the path of reform as the only genuine guarantee of peace and justice for Russian people, and Mr. Speaker, I trust the administration is using every appropriate opportunity to make that point to Mr. Yeltsin and his associates.

Mr. Speaker, at this time I would like to have included in the RECORD Sergei Kovalev's letter of resignation to President Yeltsin.

The text of the letter follows, as reprinted in the January 29, 1996 Washington Post.

THE CASE AGAINST YELTSIN

(By Sergei Kovalev)

(From a letter of resignation sent Jan. 24 to Russian President Boris Yeltsin by Sergei Kovalev, who had been chairman of the president's human rights commission since October 1993.)

For the past six years I have considered it my duty to promote in every way possible the policy that can fairly be called the "democratic transformation of Russia" notwithstanding many reservations. For a long time that policy was closely linked with your name. You were the head of a country on the road to democracy, and at first, you were even considered the leader of the democrats. As long as you remained headed in that direction, I considered myself your ally, or, in those instances when you departed from the overall course or drastically allowed the tempo of advance, a member of the loyal opposition.

Russia's road to freedom never promised to be easy. Many difficulties were obvious from the very beginning. Many others cropped up unexpectedly. To overcome them, all of us—the government, society, each individual—had to make complicated and sometimes tragic decisions. The main things the country expected from you were the will to make changes and honesty. Especially honesty. In electing you, Russia saw not only a politician ready to demolish the former state structure, but a person who was sincerely trying to change himself, his views, his prejudices and his habits of rule. You convinced many—myself included—that humane and democratic values could become the foundation of your life, your work and your policies. We weren't blind. We saw the typical traits of a Communist Party secretary preserved in your behavior. But all Russia, like a man striving to overcome a serious defect, was struggling with itself. We understood you even when we did not love you.

In recent years, however, even though you continue to proclaim your undying devotion to democratic ideals, you have it first slowly, and then more and more abruptly, changed the course of government policy. Now your government is trying to turn the country in a direction completely contrary to the one proclaimed in August 1991. . . .

Beginning in late 1993 if not even earlier, you have consistently taken decisions which—instead of strengthening the rule of law in a democratic society—have revived the blunt and inhuman might of a state machine that stands above justice, law and the individual. . . .

During the tragic days of the fall of 1993 [when Yeltsin dissolved the Supreme Soviet], I decided to stand by you despite my serious inner doubts. I don't deny my responsibility for that support. I believed that the use of force was a tragic necessity given the imminent threat of civil war. Even then I understood that the events of October might encourage the top leaders to perceive force as a convenient and familiar instrument for resolving political problems. But I hoped for a different outcome, that by overcoming the crisis of legitimacy and creating a basis for the rule of law in Russia, the president and the government would do everything possible for our country's peaceful and free development. To a very great extent, the outcome depended on you, Boris Nikolaevich. I believed that you would choose the second path. I was wrong.

The 1993 Constitution confers enormous powers on the president, but it also places enormous responsibilities on him to be the guarantor of the rights and liberties of citizens, to safeguard their security and to protect law and order in the country. How have you discharged these duties? How have you fulfilled your responsibilities?

You have virtually halted judicial reform, which was designed to make the administration of justice truly independent from the other branches of government. You openly professed the principle, "Let the innocent suffer as long as the guilty are punished."

You loudly proclaimed the launching of a war on organized crime. In order to implement this, you granted exceptional, extralegal authority to the security ministries. The result? The criminals continue to roam freely, while law-abiding citizens have to tolerate the abuse of the uniformed forces without gaining the security they were promised.

You stated that your goal was the preservation and strengthening of the Russian Federation's territorial integrity. The result? A shameful and bungled civil war which has been raging in the North Caucasus for more than a year. Under the guise of strengthening Russia's defense capability, you've blocked all military reforms which would give Russia an effective modern army. The result? Spending on the army is growing, and the number of generals has increased to an indecent figure. In order to justify their existence, the term of service has been increased and draft deferments have been ended. Meanwhile, soldiers and officers are impoverished, ragged and hungry. And the degradation, ill-treatment and corruption, traditional in our army, are as prevalent as ever. Not surprisingly, tens of thousands of young men are evading this medieval recruitment like the plague.

You speak of a policy of openness, of transparency and of public accountability, yet at the same time you sign secret decrees concerning the most important matters of state. You create closed institutions, and you classify as secret ever more information about government operations and the state of the country. Presidential decisions are made almost in the same backroom fashion as in the era of the Politburo. It's no secret that you increasingly depend on the security services and on their system of clandestine information. Isn't it obvious to you how unreliable and tendentious this information is?

The thrust of your personnel policy is becoming clearer with each passing day. At first there were quite a few competent, honorable people around you. But you also enthusiastically welcomed individuals whose only virtue consisted in their personal loyalty to you. Gradually such loyalty has become your primary demand when recruiting staff, just as it was in the heyday of the Community Party. . . .

You began your democratic career as a forceful and energetic crusader against official deceit and party disposition, but you are ending it as the obedient executor of the will of the power-seekers in your entourage. You took an oath to build a government of the people and for the people, but instead you have built a bureaucratic pyramid over the people and against the people. Moreover, having rejected democratic values and principles, you haven't stopped using the word "democracy" so that naive people may well believe that "democrats" remain in power in the Kremlin. Your policies have compromised the very word, and if democracy is fated to someday exist in Russia (and I believe it will), it will exist not because of you, but in spite of you.

PIONEERING DR. DAZELLE
SIMPSON RETIRES

HON. CARRIE P. MEEK

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 30, 1996

Mrs. MEEK of Florida. Mr. Speaker, I rise today to recognize a native Miamian and the first black pediatrician in Florida, on the occasion of her retirement after 42 years. Dr. Dazelle Simpson has contributed significantly to the Miami community but, she also has been a faithful and active member of the National Medical Association. She has chaired the pediatrics section. She has been honored as outstanding physician by the National Medical Association.

During her lifetime, Dr. Simpson has achieved and recorded many firsts. She was first in her high school, college, medical school, the first black pediatrician in Florida, the first to achieve specialist certification in her field, the first black president of the Greater Miami Pediatrics Society, the first black board of trustees member of a medical school, the first to set up and finance a scholarship fund for black health professional student in Florida and the first alumni association president to raise \$1 million for her school.

As with many strong women, she did this all while maintaining one of the most successful medical practices in the county, raising a family, running a family business, attending to church and community needs, and caring for sick family members.

In tribute to Dr. Simpson, a gala event is planned for Saturday, February 3, 1996. The day of honor will also feature a health symposium cosponsored by Meharry Medical College.

THE 10-YEAR ANNIVERSARY OF
THE "CHALLENGER" ACCIDENT

HON. SHEILA JACKSON-LEE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 30, 1996

Ms. JACKSON-LEE of Texas. Mr. Speaker, 10 years ago, the names Onizuka, McAuliffe, Jarvis, Resnik, Smith, Scobee, and McNair became a part of this Nation's history. Ten years ago those seven individuals lost their lives in the service for both their country and mankind. Their tragic loss touched us all very deeply and has left an indelible mark on the national psyche of this country.

Today, I pay tribute to those seven men and women in a small way by recognizing their bravery and the memory of their contributions to not only the lives of their friends and family, but to the whole of humanity. These individuals represent the best in all of us and it is in their memory that we should devote ourselves to continuing what they began.

Humans have always possessed an inherent drive to explore and expand their boundaries. Our exploration of space has been important for more reasons than the technological advances and resulting benefits to society; it represents an undeniable part of us all. From the beginning, this country has recognized the importance of space and always taken a leading role in its development and in-

vestigation. While inundated with more earthly concerns such as budget deficits, crime, and international peace, it is often easy to forget our commitment to the enterprise of space and its value to the United States and the international community. In remembering the *Challenger*, let us also take a minute to recall the purpose for which its crew was dedicated.

Let me also thank the families of these American heroes for their continued support of the space program and the efforts to which the *Challenger* Seven dedicated their lives. Nothing we say here today can adequately repay the debt that is owed, or sufficiently express the feelings of sorrow that are universally felt. We can, however, pay those seven souls no greater tribute than to carry on the work in which they believed in and for which they paid the ultimate sacrifice for. It is important that we properly fund this dynamic work for the 21st century and insure that America remains first in space exploration.

HONORING THE WORK AND DEDICATION OF THE TEEN PREGNANCY PREVENTION PROGRAM OF NEW BRITAIN

HON. NANCY L. JOHNSON

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 30, 1996

Mrs. JOHNSON of Connecticut. Mr. Speaker, it is with great pride and admiration that I rise to pay tribute to the work being done by RoseAnne Bilodeau and her staff at the Teen Pregnancy Prevention Program of New Britain. There is no question that the dramatic increase in the incidence of teen pregnancy is one of the major causes of poverty amongst women and children. As the director of New Britain's program, Ms. Bilodeau was invited to join President Clinton and Health and Human Services Secretary, Donna Shalala to discuss the President's task force on teen pregnancy prevention and the establishment of public-private partnerships.

The work being done by the dedicated staff of New Britain's Teen Pregnancy Prevention Program is exceptional and even in these uncertain times, the program is thriving. The staff and board have demonstrated forward thinking in reaching out to private industry and foundations for funding and in doing so, has captured national recognition and the attention of the President of the United States. I am proud to have such a noteworthy and successful program within my district and will continued to work in support of their efforts to make a positive long term impact on the lives of New Britain's young people.

THE DALLAS COWBOYS:
DOMINATING THE DECADE

HON. EDDIE BERNICE JOHNSON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 30, 1996

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, I rise to salute the accomplishments of the Dallas Cowboys, and to nominate them for the unofficial title of "Team of the 90's." Although faced with considerable

adversity during the long season, the Cowboys stayed together as a team and accomplished their goal of capturing a third Super Bowl in four seasons.

From Deion Sanders to Daryl Johnston, from Tony Tolbert to Nate Newton, the Cowboys achieved their goal through hard work and dedication to a single purpose. All across Texas, Cowboys fans salute the total team effort put forth on Super Bowl Sunday and throughout the season.

Although the headliners like Troy, Emmitt, and Michael deservedly received the majority of the spotlight, special recognition appropriately went to Texas Christian University's own Larry Brown, the Super Bowl's Most Valuable Player. A 12th round draft pick, Brown has shown admirable determination to rise to the top of the National Football League. As a graduate of TCU, I was especially pleased with his selection as MVP.

From all of your fans, Dallas Cowboys, thank you for a wonderful ride in Super Bowl XXX.

THE NATIONAL CENTER FOR
TREATMENT OF THE HAND AND
UPPER EXTREMITY AT THE
UNION MEMORIAL HOSPITAL

HON. KWEISI MFUME

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 30, 1996

Mr. MFUME. Mr. Speaker, I rise today to bring to the attention of my colleagues an innovative organization that is providing leadership and direction in the care of the millions of individuals afflicted with hand and upper extremity disorders and injuries. Included among these individuals are significant numbers of military personnel who suffer from repetitive motion disorders, loss of extremities, and other dysfunctional injuries to the hand.

The Raymond M. Curtis Hand Center at the Union Memorial Hospital has established a National Center for Treatment of the Hand and Upper Extremity. The mission of the center is the initiation of clinical guidelines for treatment, collection of data government, labor, and industry and leadership for training and research in the field of hand and upper extremity surgery.

It is estimated that more than 16 million people experienced upper extremity injuries, accounting for 90 million days of restricted activity and 16 million days lost from work in a year with a total direct and indirect cost of \$10

billion. In fact, one-third of all injuries, military and civilian, involve upper extremities.

The center and its staff have long been associated with the Army Medical Corps and as an expression of commitment to both the military and the field of hand surgery, the Curtis Hand Center has trained every Army hand surgeon since World War II at no expense to the Department of Defense. Staff from the hand center also regularly speak at Walter Reed Medical Center in Bethesda and the Bethesda Naval Hospital.

The national center is a cost-effective treatment for Maryland and the Nation. In 1992, the most frequent hand surgery procedure, carpal tunnel release, was performed by hand center staff at 22 percent below the average charge of other Maryland hospitals'. While maintaining the Curtis Hand Center's history of multidisciplinary cost-effective care, the national center will expand current patient capabilities and referral services to neighboring States. Outreach centers will be established throughout the State to provide localized care in areas not currently capable of treating hand and upper extremity injuries.

The national center also will train hand therapists in an effort to address the shortage of these professionals. The center will train occupational and physical therapists and develop a curriculum for this training that can be replicated at hospitals throughout the country. The hand center's current physician training capabilities are being expanded, including the staff's work with the armed services, regional hospital and universities, and foreign hand specialists.

At the core of the national center's work, though, is basic research on the future of hand surgery. Led by the hand center's research director, Dr. Thomas Burshart, the national center will be at the vanguard of research on nerve regeneration, carpal tunnel syndrome, and prosthetic devices.

The hand center has received several commendations in the past from the National Security Appropriations Subcommittee, which praised the center's work and the Appropriations Subcommittee on Veterans Affairs, Housing, and Urban Development, and Related Agencies, which recognized the important work of the center in 1994. Members of the center's staff are in ongoing discussions with the Department of the Army and the Office of Defense Health Programs to explore ways in which they may work together to further enhance the military's specialized surgical capabilities.

The center has and deserves broad-based support from all who come in contact with it,

from the Department of Defense to other health care professionals to the thousands of people who have been treated there. It is my hope that the center will be able to continue to grow and prosper, as it will clearly benefit all Americans. I invite all of my colleagues to visit the center, and to join me in supporting it in its mission.

RECOGNITION OF "PORTRAITS IN
BLACK" BUFFALO SOLDIERS EXHIBIT

HON. NANCY PELOSI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 30, 1996

Ms. PELOSI. Mr. Speaker, I rise today to recognize an important art exhibit recently opened in San Francisco. Sponsored by the African-American Historical and Cultural Society, "Portraits in Black" presents a detailed history of the Buffalo Soldiers—a select group of African-American soldiers and cowboys who fought heroically for our country at home and abroad.

Too often, the history of the Old West and the settling of the Western frontier has neglected to portray the important role played by these African-American soldiers and cowboys. Through a series of photos, narratives, and artifacts, "Portraits in Black" proudly advances the significance of the contributions made by these daring American heroes.

The Buffalo Soldiers have a long and proud history of association with the Presidio of San Francisco. The 9th Cavalry was stationed at the Presidio around the turn of the century. These soldiers served as an escort of honor for President Theodore Roosevelt. Some historians estimate as many as 500 Buffalo Soldiers are buried in the Presidio's National Cemetery.

Buffalo Soldiers were so named by native Americans in recognition of their courage and decency as warriors. Most of their achievements were not chronicled in history texts, making it very important for other avenues of learning, such as this exhibit, to flourish.

Mr. Speaker, I commend the work of the African-American Historical and Cultural Society for its role in presenting this magnificent exhibit. On behalf of the U.S. Congress, I join with the society and the many others who honor the Buffalo Soldiers for their important contribution to American history.

Tuesday, January 30, 1996

Daily Digest

Senate

Chamber Action

Routine Proceedings, pages S543–S567

Measures Introduced: Four bills and three resolutions were introduced, as follows: S. 1545–1548, S. Res. 217 and 218, and S. Con. Res. 40.

Pages S555, S560–62

Measures Passed:

Commemorating Texas Statehood: Senate agreed to S. Con. Res. 40, to commemorate the sesquicentennial of Texas statehood.

Pages S560, S562–63

VA Health Care: Senate concurred in the amendments of the House to the amendments of the Senate to H.R. 2353, to amend title 38, United States Code, to extend the authority of the Secretary of Veterans Affairs to carry out certain programs and activities, and to require certain reports from the Secretary of Veterans Affairs, clearing the measure for the President.

Pages S563–66

Farm Bill—Consent Agreement: A unanimous-consent agreement was reached providing for the consideration of S. 1541, to extend, reform, and improve agricultural commodity, trade, conservation, and other programs, on Wednesday, January 31, 1996.

Page S566

Appointments:

National Historical Publications and Records Commission: The Chair, on behalf of the Vice President, in accordance with Public Law 81–754, as amended by Public Law 100–365, appointed Senator Hatfield to the National Historical Publications and Records Commission.

Page S567

National Education Goals Panel: The Chair, on behalf of the Republican Leader, pursuant to Public Law 103–227, appointed Senator Jeffords as a member of the National Education Goals Panel, vice Senator Gregg.

Page S567

Messages From the President: Senate received the following message from the President of the United States:

Transmitting the report concerning emigration laws and policies of the Republic of Bulgaria; referred to the Committee on Finance. (PM–113).

Page S554

Nominations Confirmed: Senate confirmed the following nominations:

1 Navy nomination in the rank of admiral.

Pages S566–67

Messages From the President:

Page S554

Messages From the House:

Page S554

Measures Placed on Calendar:

Page S554

Communications:

Pages S554–55

Statements on Introduced Bills:

Pages S555–59

Additional Cosponsors:

Pages S559–60

Additional Statements:

Page S562

Adjournment: Senate convened at 11 a.m., and adjourned at 3:16 p.m., until 11 a.m., on Wednesday, January 31, 1996. (For Senate's program, see the remarks of the Acting Majority Leader in today's Record on page S567.)

Committee Meetings

(Committees not listed did not meet)

WHITEWATER

Special Committee To Investigate the Whitewater Development Corporation and Related Matters: Committee resumed hearings to examine issues relative to the Whitewater Development Corporation, receiving testimony from James Clark, Bank Examiner, Office of the Comptroller of the Currency, Department of the Treasury, and Dawn Pulcer, Sterling Bank and Trust, Southfield, Michigan, both former Examiners, Federal Home Loan Bank Board.

Hearings continue tomorrow.

House of Representatives

Chamber Action

Bills Introduced: 2 public bills, H.R. 2905–2906; 1 private bill, H.R. 2907; and 2 resolutions, H. Res. 349–350 were introduced. **Page H973**

Report Filed: One report was filed as follows: H.R. 2036, to amend the Solid Waste Disposal Act to make certain adjustments in the land disposal program to provide needed flexibility, amended (H. Rept. 104–454). **Page H973**

Recess: House recessed at 1:05 p.m., and reconvened at 2 p.m. **Page H929**

Presidential Message—Bulgaria: Read a message from the President wherein he transmits an updated report concerning emigration laws and policies of the Republic of Bulgaria—referred to the Committee on Ways and Means and ordered printed (H. Doc. 104–169). **Page H931**

Suspensions: House completed all debate on motions to suspend the rules and pass the following measures, on which votes were postponed until, Wednesday, January 31.

Flow Control Act: H. Res. 349, providing for the consideration of S. 534, Municipal Solid Waste Flow Control Act of 1995; and **Pages H931–43**

Solid Waste Disposal Amendments: H.R. 2036, amended, to amend the Solid Waste Disposal Act to make certain adjustments in the land disposal program to provide needed flexibility. **Pages H943–47**

Referrals: Two Senate-passed measures were referred to the appropriate House committees. **Page H969**

Senate Message: Message received from the Senate today appears on page H929.

Quorum Calls—Votes: No quorum calls or votes developed during the proceedings of the House today.

Adjournment: Met at 12:30 p.m., and adjourned at 6:55 p.m.

Committee Meetings

AGRICULTURE MARKET TRANSITION ACT

Committee on Agriculture: Ordered reported H.R. 2854, Agriculture Market Transition Act.

NEW PUBLIC LAWS

(For last listing of Public Laws, see DAILY DIGEST, p. D23)

H.R. 2880, making appropriations for fiscal year 1996 to make a downpayment toward a balanced budget. Signed January 26, 1996. (P.L. 104–99)

COMMITTEE MEETINGS FOR WEDNESDAY, JANUARY 31, 1996

(Committee meetings are open unless otherwise indicated)

Senate

Committee on Finance, to hold hearings to examine proposals to restructure the tax system, focusing on the National Commission on Economic Growth and Tax Reform's report on tax reform, 10 a.m., SD–215.

Special Committee To Investigate Whitewater Development Corporation and Related Matters, to continue hearings to examine certain matters relative to the Whitewater Development Corporation, 10 a.m., SH–216.

House

Committee on Commerce, Subcommittee on Health and Environment, hearing on Priorities for Reauthorization of the Safe Drinking Water Act, 9:45 a.m., 2123 Rayburn.

Committee on Economic and Educational Opportunities, hearing on "What Works in Public Schools," 9:30 a.m., 2175 Rayburn.

Committee on International Relations, hearing on Global Organized Crime, 2 p.m., 2172 Rayburn.

Committee on the Judiciary, Subcommittee on Crime, oversight hearing regarding the FBI murder investigations in Haiti, 1:30 p.m., 2237 Rayburn.

Committee on Rules, to consider the following: Conference Report to accompany H.R. 2546, making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of said District for the fiscal year ending September 30, 1996; and possible Budget-Related Measures, 4 p.m., H–313 Capitol.

Committee on Standards of Official Conduct, executive, to consider pending business, 1:30 p.m., HT–2M Capitol.

Committee on Transportation and Infrastructure, Subcommittee on Water Resources and Environment, hearing on H.R. 2747, Water Supply Infrastructure Assistance Act of 1995, 9 a.m., 2167 Rayburn.

Next Meeting of the SENATE

11 a.m., Wednesday, January 31

Senate Chamber

Program for Wednesday: After the transaction of any morning business (not to extend beyond 1 p.m.), Senate will consider S. 1541, Farm Bill.

Next Meeting of the HOUSE OF REPRESENTATIVES

11 a.m., Wednesday, January 31

House Chamber

Program for Wednesday: Consideration of the following:

Conference Report to accompany H.R. 2546, making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of said District for the fiscal year ending September 30, 1996 (subject to a rule being granted);

H.R. 2854, Agriculture Market Transition Act (subject to a rule being granted);

H. Res. _____, Sense of Congress resolution concerning Medicare and Medicaid programs; and

H. Con. Res. _____, Regarding the President's Budget Proposal.

Extensions of Remarks, as inserted in this issue

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Congressional Record

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